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SOLD BY
THOMAS BAKE
72 Newman Str.
LONDON. W. E.

A CONFERENCE
ABOVVT THE
NEXT SVCCESION
TO THE CROWNE OF ING-
LAND, DIVIDED IN TO
TWO PARTES.

VV HERE OF

THE FIRST CONTEYNETH THE
discourse of a ciuill Lavvyer, howv and in vwhat manner
propinquity of blood is to be preferred. And the second
the speech of a Temporall Lavvyer, about the particuler
titles of all such as do or may pretende vwithin Ingland
or vwithout, to the next succession.

VVhere unto is also added a new & perfect arbor or genea-
logic of the discents of all the kinges and princes of
Ingland, from the conquest unto this day, whereby each
mans pretence is made more plaine.

DIRECTED TO THE RIGHT HO-
norable the earle of Essex of her Maiesties
priuy councell, & of the noble order of the Garter.

Published by R. DOLEMAN.



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M. D. XCIIII.

DA
350
C66
1594

THE SOMME OF BOTHE PARTES MORE IN PARTICULAR.

THe first declarereth by many proofes & arguments that the next propinquicie or ancestry of blood alone, though it were certaynly knowne, yet that it is not sufficient to be admitted to a crowne, without other cōditions and circumstan-
ces requisit be founde also in the person pretēdent.

THe second examineth the titles and pretensions of al such as may haue clayme or action to the crowne of Ingland at this day, what may be said for them, and what agaynst them , and in the end, though he leaue the matter extreme doubtful as touching the best right, yet he giueth certayne coniectures about some persons that are lykest to preuaile.

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TO THE RIGHT
HONORABLE THE EARLE
OF ESSEX, OF HER MAIESIES
PRIVY COVNCEL.

VVO principal causes among others(right honorable)are wōt to inuite mē to dedicate any booke or treatise to a person in authoritie, the one priuate duty & obligatiō, the other publique vtility, in respect that the matter may concearne that person for the cōmō good. And to cōfesse the truth, both of these ioyntly, haue moued me at this tyme, to present unto your honour aboue others, the two bookes ensuing, which conteyne a conference had in Holland not long since, about the pretences & pretenders to the crowne of Ingland, as your honour shall perceave by the preface of each booke, & therfore herof I shall need say no more, but only declare the fore said two causes of this dedication.

First then I saye, that my particular obligation towards your honours person, riseth partly of good turnes and benefites receaued by some frendes of myne at your Lordships handes, in your last voyaze & exploits in Frāce, but principally offar greater fauours receaued from your noble ancestors, I meane not only your father whose untimely death

The Epistle dedicatorie

was to Inglād no smalle wōnde , but of your grādfa-
ther also, that worthy Knight Sir VValter Denorax
who though he liued not to come to those titles of
honor, wherunto he was borne; yet left he behinde
him so rare a memory for his excellent partes of
lerning, wit, feuter of body, curtesie, & other such
noble commendacions, as none in Ingland perhappis
the lyke in our tyme , wherin also hath liued your
honours great grandfather Sir Henry Deuorax
visconde Ferys wel remembred yet by diners of
my said frendes obliged unto him, as also recorded
by our Inglysh histories, as well for his merits &
worthines , as in lyke manner for his match with
the heyre of the most famous & noble house of the
Bourchers earles of Essex, wherof also your honour
is knowne to be discēded, & to hold at this day as
wel their nobilitie of bloode as dignitie of title, &
this shall serue in this place for my perticuler obli-
gation, wherof perhappis here-after uppon other oc-
casione, I may gine further relation and testimony
to the world, in token of my gratitude.

But for the second pointe of publique utilite, I
thought no man more fit then your honour to de-
dicate these two booke unto, which treate of the
succession to the crowne of Ingland, for that no man
is in more high & eminent place or dignitie at
this day in our realme, then your selfe, whether we
respect

to the earle of Essex.

respect your nobilitie, or calling, or fauour with your prince, or high liking of the people, & consequently no man like to haue a greater part or sway in deciding of this great affaire (when tyme shall come for that determination) then your honour, and those that will assist you & are likeliest to follow your fame and fortune.

And for that it is not cōuenient for your honour to be vnskillfull in a matter which cōcerneth your person & the whole realme, so much as this doth, and finding this conference had by two learned Lawyers, to handle the question very pithely and exactly, and yet with much modestye, and without offence of any, and with particular affection and devotion to her Maiestie, & with special care of her safetye: I thought not expedient to let it lye unpublished, as also I iudged that no hāds were fitter to receaue the same, nor any protectiō more secure or plausible, then that of your honour, whom God long preserue in all true honour and felicity, to the comfort of your Lordships faithfull seruants & clyents, & to the publique benefite of your country: from my chamber in Amsterdame this last of December. 1593.

Your honours most affectionate
R. DOLEMAN.

THE CONTENTS OF THE FIRST PARTE.

TH E preface conteyning the occasion of this treatise, vwith the subiect, purpose, & partes therof.

That succession to gouernment by neernes of bloode is not by Lavy of nature, or diuine, but only by humane & positiu Lawes of euery particuler common wealth, and consequently, may vpon iust causes be altered by the same, Cap. 1. fol. 1.

Of the particuler forme of Monarchies & kingdomes, and the different Lawes wherby they are to be obteyned, holden, and gouerned in diuers countreyes, according as ech common wealth hath chosen and established. Cap. 2. fol. 15.

Of the great reuerence and respect dew to kings, and yet how diuers of them, haue bine lawfully chastised by their commō wealthes for their misgouernment, & of the good and prosperous successe that god commonly hath giuen to the same, and much more to the putting back of an vnworthie pretender. Cap. 3. fol. 37.

VVherin consisteth principally the lawfulness of proceeding agaynst Princes, which in the former chapter is mentioned, what interest Princes haue in their subiects goodes or liues: how othes do bynde or may be broken by subiects towards their Princes: and finally the difference betweene a good king & a Tyrant. Cap. 4. fol. 63.

Of the Coronation of Princes, and manner of their admitting to their authority, and the othes which they do make in the same, vnto the common wealth, for their good gouernment. Cap. 5. fol. 82.

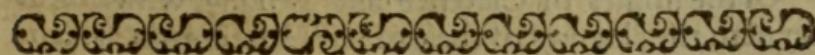
VVhat is dew to only succession by birth, and what interest

interest or right an heire apparent hath to the crowne, before he is crowned or admitted by the commō wealth, and how iustly he may be put back , if he haue not the partes requisite. Cap. 6. fol. 121.

How the next in succession by propinquity of blode, haue oftentimes bin put back by the cōmon wealth, & others further of admitted in their places , euen in those kingdomes where succession preuaileth , with many examples of the kingdomes of Israel and Spayne. Cap. 7. fol. 140.

Of diuers other examples out of the states of France & Ingland, for proofe that the next in blood are sometimes put baek from succession , and how god hath approued the same with good successe. Cap. 8. fol. 164.

VVhat are the principall points which à cōmō wealth ought to respect in admitting or excluding any Prince, wherin is handled largely also of the diuersitie, of religions, and other such Causes. Cap. 9. fol. 197.



THE CONTENTS OF THE SECOND BOOKE.

THe preface with the intention & protestation of the Lawyer to treat this matter without the hurt or prejudice of any.

Of diuers bookes & treatises that haue bin written heretofore about the titles of such as pretende the crowne of Ingland, and what they do conteyne in fauour or disfauour of diuers pretendors. Cap. 1. fol. 1.

Of the succession of the crowne of Ingland from the conquest vnto the tyme of king Edward the third, with the beginning of three principal linages of the English blood royal, dispersed into the houses of Britanie Lancaster and Yorke. Cap. 2. fol. 12.

Of the successiō of English kings frō king Edward the third vnto our dayes, with the particuler causes of dissencion

tion betweene the families of Yorke and Lancaster more
largly declare/d. Cap. 3. fol. 37.

Of the great and general controuersie and contention
betweene the said two houses royal of Lancaster and
Yorke, and which of them may seeme to haue had the
beteer right to the crowne, by way of succession. Cap. 4.
fol. 56.

Of five principal and particular houses or linages
that do or may pretend the crowne of Ingland at this
day, which are the houses of Scotland, of Suffolck, of
Clarence, of Britanie, and of Portugal, and first of al the
house of Scorland, which conteyneth the pretensions of
the king of Scotts, & of the Lady Arbella. Cap. 5. fol. 107.

Of the house of Suffolke conteyning the claymes
aswel of the countesse of Darby and of her children as
also of the children of the earle of Hartfort. Cap. 6.
fol. 130.

Of the houses of Clarence and Britany, which conteyneth the claymes of the earle of Huntington, and of
the Lady Infanta of Spayne and others of these two fa-
milies. Cap. 7. fol. 141.

Of the house of Portugall which conteyneth the clay-
mes as well of the king and Prince of Spayne to the suc-
cession of Ingland, as also of the dukes of Parma and
Bragansa by the house of Lancaster. Cap. 8. fol. 160.

VVhether it be better to be vnder a fortaine or home-
borne Prince, and whether vnder a great and mightie
monarch, or vnder a little Prince or king. Cap. 9. fol. 193.

Of certayne other secondary or collatral lines and
how extreme doubtfull al the pretences be, and which of
all thesee pretenders are most like by probability to pre-
uaile in the end, & to get the crowne of Ingland. Cap. 10.
fol. 233.

THE PREFACE,
CONTEYNING THE OC-
CASION OF THIS TREATIS,

with the subiect, purpose, and
partes therof.

HE R chaunced not long ago (I meane in the monethes of Aprill and May of this last yeare 93.) to mete in Amsterdam in Holland certayne Gentlemen of diuers nations, qualities and affections, as wel in religion as otherwise: (yet the most part English and Irish) and they had bine in diuers countries, studied different artes, and followed vnlike professions: some of souldiars, so me of lawyers both temporal & civil, others of meeere trauelors to learne experience and pollicy: And for that the aduises which dayly came from Ingland at that tyme, (the parliament being then in hand) gaue occasion to discourse of English affaires, they fell into diuers poyntes concerning the same: but yet none was treated so largly or so seriously, as was the matter of succession and competitors to the crowne, for that it was presumed a great while, that some thing would be determined therof in that parliament, though one or two of the wisest of that company, held euer the contrary opinion. But when at lenght newes was brought, that nothing

Occasiōs
of mee-
ting.

The mat-
ter of suc-
cession
discussed

THE PREFACE AND OCCASION.

at al had bin done therin, but rather that one or two
(as was reported) had bin checked or committed for
speaking in the same : then came it in question among
thes Gentlemen, What should be the causes of such
proceding in a matter so weighty and so necessary for
al Inglysh men to know ?

M. Bro-
mely.
M. V Vēt-
vworth.

Tvvo la-
tvers.

But two Gentlemen Lawyers of the company , one
of the common law, and the other a Civilian, alleged
so many reasons for iustifying the Queenes Maiesties
doings in this behalfe, as al did seeme satisfied : for
that it was made playne, that it could not stande
with the safety eyther of her Maiesty, or of the realme,
or of the party himselfe who shold be preferred,
that any declaration of heyre apparent shold be made,
during the life of her Maiesty that now is , how
dangerous souer the delay therof may be esteemed for
the tyme to come.

And so the end of this speach , brought in presently
the begining of an other, to wit, What weare like to
be thes dangers, and Who might be likest of the pre-
tendors to preuaile after her Maiestie , about which
matter, ther was much discoursed by divers parties,
but the conclusion of al , was , that both thes poyntes
remayned very doubtful , but much more the second,
Who shold preuaile, of the competitors, Which they
said, did make the former poynt lesse doubtful of the
multitude of dangers , that therby did hang ouer the
common wealth of Ingland , though it wanted not
doubt also in particular, What and Where they shold
fal, for (said they) whersoever many pretenders of the
blood royall are knowne to be competitors to a crowne,

ther

THE PREFACE AND OCCASION.

ther cannot chuse but many perilles also must be imminent to the realme.

To this, one of the company said, that he did not see how ther could be eyther so many pretenders to the crowne as the day before had bin spoken of in that place (for the comyno lawyer before named newly come out of Ingland, had tould them that he had hard of some 9. or 10. or more plotts that were debated within the realme, for so many pretenders) or yf ther were any such great number descended of the blood royall, yet their titles could not be so doubtfull, seing it was an easy matter to discerne, who was next in discent of blood, and who not.

Many pretenders to the crowne of Inglat.

Not so easy, quoth this Gentleman lawyer, for that although it cannot be denyed, but that ther is among al such as may pretend at this day: a certayne knowne order and degree of neernes in blood to some king or Queene that hath possessed the crowne before them: and in this discent it is knowne also commonly, who descendeth of the elder house, and who of the yonger, and other such like vulgar circumstances: yet notwithstanding for that ther be many other poyntes considerable in this affaire, as the right of the first stock, wherof ech part doth spring, the disabling of the same stock afterwards by attainders or otherwise: the bastardies or other particular impediments that may haue fallen vpon ech discent or branch therof: al thes thinges (said he) may alter the course of common supposed right, in him or her, that is taken to be next in blood, as prouing them not to be truly and lawfully the nerest, though they be the next in degree.

Successio doubtful & vwhy.

THE PREFACE AND OCCASION.

Three or
fower
principal
heades of
praten-
dors.

As for example (said he) the whole multitude of competitors or pretenders which I conceaue may come in consideration, or haue action or clayme to the crowne after her Maiesty that now is, may be reduced to three or fower first heads or principal stocks, to wit, to the house of Lancaster a part, as descended of Iohn of Gant Duke of Lancaster by his first wife Blanche, sole heire of the Duchie of Lancaster. And of this branch or stock the most knowne of-spring in thes our dayes are thos Princes that are lineally descended of Don Iuan the first surnamed de boa memoria, tenth king of Portugal, who marryed with Philip the eldest daughter of the saide Iohn of Gant by his first wife Blanche: and thes Princes are king Phillip of Spayne now king also of Portugal, & the Dukes of Parma and Braganza, who descended of the same race, as also the Duke of Sauoy one degree after them.

2.
Yorke.

The second stock is of the house of yorke a part, descending of George the Duke of Clarence second brother to king Edward the fourth, who being put to death by the kings order in Cales left a daughter by whom are descended the Earle of Huntington with his brothers, which also haue children, and the offspring of Geffrey Pole and Sir Thomas Barrington who marryed the other sister of her that was marryed to the Hastings.

3.
The two houses
ioyned.

The third stock was in king Henry the seventhe
who being himselfe of the house of lancaster and
marrying the eldest daughter of Edward the fourth of
the house of yorke, is presumed to haue ioyned thes
two houses together, and from this man by his two
daughters

THE PREFACE AND OCCASION.

daughters (for of his sonne who was king Henry the eight ther remayneth only the Queene that now is) ther hath proceeded the house of Scotland deuided into the famylies of the king of Scots and Arbella, as also the progeny of the two Earles yet liuing of Hartford and Darby. Vnto thes three heads, which are commonlie knowne to al men, some of ourdayes do add also a fourth, which may seeme more ancient then ether of al thes three, to wit by the Dukes of Brytaine, who are descended dyuers wayes of the blood royal of Ingland as maye easly be declared, whose heire at this day by lineal descent is the Enfanta of Spaine named Dona Isabella Clara Eugenia daughter to king Philipp. So that heerby wee come to discouer, no lesse then ten or eleuen famylies that may pretend, and haue al of them frends in Ingland, and els wher (as yesterday I told you) who do not fayle in secret to negotiat and lay plotts for them, for that ther are none of thes so far of, but to their frends it seemeth (the tymes standing as they do) that reasons may be giuen for their preferment, and good hope conceaued of preuayling.

You do wel to adde (said a Captayne ther present) Circumstances of the tyme present.
the tymes standing as they do, or at least wise as they are like to stand, when this matter must come to trial, at what tyme, I beleue, not you lawyers, but we souldiars must determyne this title, and then (no doubt) if ther were not only thes tenn by you named, but twenty moore also of the blood royal, that would pretend, and had frends and money to stand by them, we shold admit their causes to examina-

THE PREFACE AND OCCASION.

tion, and perhapps giue sentence for him, that by your lawes would fonest be excluded, for whē matters come to snatching, it is hard to say who shal haue the better part.

I do not ad this circumstance of the tyme (said the lawyer) as though it were the only or principal poynt which makeith doubtful the matter of successiō, though I confesse that it helpeth ther-vnto greatly, in respect of the great variety of mens affections, at this day in religion, which do iucline them commonly to iudge for him, whom they best loue: but besids this I do say, that were the tymes neuer so quiet, and religion neuer so vniforme: yet are ther great doubtes in many mens heades, about the lawfulness of diuers pretentions of the famylies before named: but if you adde vnto this, the said wonderfull diuersity in matters of religiō also, which this tyme yealdeth: you shal finde the euent much more doubtfull, and consequently it is no maruaile though many may remaine in hope to preuaile, seing that wher many are admitted to stand for a ferment, ther diuers may haue probality also of speeding.

An example you may take, (said the Ciuitia lawyer) in the Roman Conclave, at the popes election, wher, among three or fower score Cardinales that enter in for electors, few ther are, that haue not hope also to be elected, not for that they see themselues, all as well qua-lified, as others: but because oftentymes when diuers that are more forward by, likely hode cannot be agreed vpon: it falleth to the lott of hun that is fardest of, and so it may among your pretenders (quoth he) in Ingland.

The Ro-
man con-
clave.

Tour

THE PREFACE AND OCCASION.

Your example (said the temporal lawyer confirmeth somewhat of that I meane though it be not al together in like matter . or maner for that the pope is made by electio, & here we talke of a king by succession.

Your succession, said the Ciuilian, includeth also an election or approbation of the common wealth and so doth the succession of al kings in Christendome besides, as doth appeareth by the manner of their new admission at their coronations, wher the people are demaunded agayne , if they be content to accept such a man for their King: though his title of neernes by blood, be neuer so cleere. And therfore much more it is like to be in this case of English pretenders now, wher their law ful neernes in blood is so doubtful as you haue signified, & so I do come to confirme your former proposition, of the doubtfulnes of the next successor in Ingland with an other reason besids that which you haue alleaged of the ambiguity of their true propinquity in blood: for I say further, that albeit the neernes of each mans succession in blood, were evidently knowne, yet were it very vncertayne (as things now stand in Ingland and in the rest of Christendome round about) who should preuaile, for that it is not enough for a man to be next only in blood, therby to pretend a crowne, but that other circumstances also must concurre, which if they want, the bare propinquity or ancestry of blood may iustly be rejected, and he that is second, third, fourth, fifth or last, may lawfully be preferred before the first, and this by al law both diuine and humane, and by al reason, conscience , and custome of al nations, christian.

Of this
more af-
terwards
Cap 4. &
5.

Neernes
only in
blood not
sufficient.

THE PREFACE AND OCCASION.

To this said the temporal lawyer, you go further (sir) then I had meant to doe or did conceave of the matter, for my meaning only was to shew howe many pretenders ther be to the English crowne at this day, & how doubtful the pretentions of diuers of the chiefe of them be, in respect of the many exclusions, stoppes and barres that their aduersaries or fellow competitors do lay against them: and now you do adde further, that albeit thes stoppes were taken away, and their propinquity in blood were manifest, yet for other considerations the course of their next succession by birth may be iustly altered, vpon such considerations as you insinuate, that the English may haue in the admission of their next king or Queene, after her Maiesty that now is, which in deede (if it be true) maketh the matter of succession much more doubtful, then I pretended, which I confesse I haue not so much studied or thought of, for that our common law goeth no further ordinarily, then to the next successor in blood, to consider whether he be lawfully descended or no, therby to giue him the crowne.

I confesse (said the Civilian) that ordinarily nether your law, nor ours doth go any further, especially in thos realmes wher the gouernment goeth by succession of blood, which I thinke to be the best of al other wayes, but yet ther may happen out such extraordinary cases some tymes, agaynst this ordinary rule, as your common law must needs take also consideratio of them, except it wilbe contrary to al oihher law and reason, both diuine and humane, as for example, if it shoule fal out, that the next in blood shoule be a natural foole

More to
be consi-
dered be-
sides suc-
cession in
the pre-
tenders.

THE PREFACE AND OCCASION.

or a madd man : if he shoulde be taken by Turkes or Moores in his infancy & brought vp in their religion and woulde mayntayne the same in your countrey, with al his forces, and otherlike vrgent cases, wherin it is not probable, but that your common law must needs haue further consideration, then of the bare propinquity of blood only, for that otherwise it shoulde be a very imperfect law, that hath not prouided for accidents so weighty and important, as thes are, for sauing and conseruing of your common wealth.

At this speach, the residew of the company began to smile, to see the two lawyers grow into some heate and comparison of their professions. But yet for that both their assenerations, did tende to proue one thing, which was the first proposition set downe, to wit, that the next successor of Ingland must needs be very doubtful: they requested them both with very great instance, that ech one shoulde be content to proue his assertion a parte, to wit, the temporal lawyer to shewe that the titles and pretensions of al those ten or eleuen familyes of the English blood royal, which remayne at this day, are ambiguous and doubtful, according to the common lawes of Ingland: and the civilian to declare that albeit their titles by successiou were cleare, yet that as things stande now in that realme, and other countreyes ncere adioyning, ther may be a great doubt which of them shal preuale.

This I say, was the request of the whole company, and the lawyers were cōtent to take it vpon them, and according to thes two poynts it was agreed that the whole speach or conference, should be deuided into two

Two prin
cipal poin
tes hand
led in this
booke.

THE PREFACE AND OCCASION.

Two par-
tes of this
conferen-
ce. parts, and that the ciuil lawyer, shoulde begin first, for
that it seemed, that his assertion, being wel declared and
proued, would giue much light to the other, and so he
promised to do, and to be as brief, clere & perspicuous
as he myghte, and to reduce al that he woulde say to
certayne principal headees and chapters therby the
better to be vnderstood & remembred, and
so he began in manner and forme
following.

THAT





THAT SUCCESSION TO GOVERNMENT
BY NEERNES OF BLOOD IS NOT
*by law of nature or diuine, but only by humane and
positiue lawes of euery particular common wealth
and consequently may vpon iust causes
be altered by the same.*

C A P. I.


HE examples before alleaged (said the ciuilian lawyer) of a madd or furious heyre apparent, or of one that were by education a Turke or Moore in religion, or by nature depriued of his witt, or senses, do playnely proue that propinquity of birth or blood alone, without other circumstances, is not sufficient to be preferred to a crowne: for that no reason or law, religion or wisdom in the world, can admitt such persons to the gouernēt of a cōmon wealth by whom, no good, but destruction may be expected to the same, seing that gouernment was ordeyned for the benefit of the weale publique and not otherwise.

And

Bellay
apolog.
pro reg.
cap.20.

And albeit some one or two in thes our dayes haue affirmed the contrary, and published the same in wryting for the defence, flatery, or aduauncement of some Prince whom they fauour, affirming that euen a foole, madd or furious man, or otherwise so wicked as he would endeavour to destroy the common welth, were to be admitted to the seat royal, without further consideration, if he be next in blood: yet this is so manifestly agaynst al reason, and conscience, and agaynst the very first ende and purpose of institution of common wealthes, and magestrates, as it shal not nede to be refuted in this place, albeit afterwards ther vvil not vvant place and commodity for the same.

*Not only
successio
sufficient.* Hereof it doth ensew, that some other condicions also must needs be requisit, for coming to gouernment by succession, besides the only propinquity or priority in blood, and that thes condicions must be assigned and limited out by some higher authority then is that of the Prince himselfe, who is bounde and limited therby, and yet it seemeth euident they are not prescribed by any law of nature or diuine, for that then they shoulde both immutable and the selfe same in al countries, (as God and nature are one, & the same to al, without chainge) wher notwithstanding we see, that thes condicions and circumstancies of succeding by birth, are diuers or different in different countries, as also they are subiect to changes according to the diuersity of kingdomes, realmes, & people,

people, as after shalbe shewed more in particular, wherby we are forced to conclude that every particular countrey and common wealth hath prescribed thes condicions to it selfe and hath authority to do the same.

For better profe wherof, it is first of al, to be supposed, that albeit sociability or inclination to liue togeather in company, man with man, (wherof ensueth both city and commō wealth) as Aristotle gathereth in his first booke of politiques) be of nature, and consequently also of God, that is author of nature: though gouernment in lyke maner and iurisdiction of magistrats which doth follow necessarily vpon this liuing to gether, in company: be also of nature; yet the particular forme or manner of this or that gouernment, in this or that fashion, as to haue many gouernois, few, or one, and thos eyther Kinges, Dukes Earles, or the like: or that they should haue this or that authority more or lesse, for longer or shorter tyme, or be taken by succession or election, them selues and their children, or next in blood: al thes things (I say) are not by law ether natural or diuine, (for then as hath bine said they should be al one in al countryes and nations, seing God and nature is one to al) but they are ordayned by particular positiu lawes of euery countrey as afterwards more largely shalbe proued.

But now that sociability in mankind, or inclination to liue in company, is by nature, and consequently ordeyned by God, for the common

That no
particular
forme of
gouvermet
is of natu-

To live in
company,
is natural
to man &
the grouē
of al com
mō vveal
thes.

mon benefit of al : is an easy thing to proue, seeing that al ground of realmes and common wealthes dependeth of this poynt, as of ther first principle, for that a common wealth is nothing els but the good gouerment , of a multitude gathered together, to liue in one, & therfore al olde philosophers, law makers, and wise men, that haue treated of gouerment or common wealthes , as Plato in his ten most excellent booke, which he wrot of this matter intituling them *of the commoun Wealth*, and Marcus Cicero that famous councelor in other six bookesthat he wrot of the same matter, vnder the same title. And Aristotle that perhaps excelleth them both, in eight booke which he called his politiques, al thes I saye do make their entrance to treat of ther common wealth affayres, from this first principle, to wit, *that man by nature is sociable, and inclined to liue in company,* wherof do proceede first , al priuate houses, then villages , then townes , then cityes , then kingdomes, & common wealthes.

**Plato de
zepub. Ci-
cero de
zepub.
Aristotle
polit.**

**Diuers
prefes.**

**I.
Inclinatio
vniuersal.
Pompon.
Mela. lib.
3. cap. 3. 4
Tacit. l. 8.**

This ground & principle then do they proue by diuers euident reasons, as first, for that in al nations, neuer so wild or barbarous, we see by experience that by one way or other , they endeavour to liue together, ether in cityes, townes, villages, caues, woodes, tents, or other like manner, according to the custome of ech countrey, which vniuersal instinct could neuer be in al, but by impression of nature it selfe.

**2.
Speech**

Secondly they proue the same , by that the vse of

use of speech is giuen to man for this end and Aristotle. I.
purpose; for that little auaylable were this pri- 1. pol. c. 1.
uiledge of speaking if men should liue alone & 2. 3. 4.
conuerse with none.

Thirdly not only Aristotle but Theophrastus 3.
also Plutarch, and others do confirme the same, Imbecili-
by the poore estate & condition, wherin man is lity of
borne, more infirme then any other creature, man.
though by creation he be lord & gouernor of Theophr.
al the rest: for where as ech other creature is lib. de
borne in a certayne sort armed and defended in Plaut. Plu
it selfe, as the bul with his hornes, the bore with tarch. cō-
his tuske, the bear & wolfe, with their teath, de fortu-
the birde with hit fethers agaynst cold & with na, & lib.
her wynges to flye away, the hart & hare with de pietati-
their swiftnes and the like: only man is borne tem in
feble and naked, not able to prouide or defende parent.
himselfe in many yeares, but only by the healp
of others, which is à token that he is borne to
liue in company and to be holpen by others, &
this not only for his necessity and help at his
beginning whiles he is in this imbecility, but al-
so for his more comodious liuing in the rest of
his dayes afterwards, seing no man of himselfe
is sufficient for himselfe, & he that liueth alone
can haue no benefite of others, or do any to
others, wherfore wittely said Aristotle in the Note this
second chapter of his first booke of politiques, saying of
that he which liueth to live in society is ether Deus aut Aristotle.
Bellua, a God or a beſt: for that ether he doth it be-
cause he hath no neede, of any which is proper
to God, or els for that he wil do good to none,
and

and feeleth not that natural instinct, which man hath to liue in conuersation, which is a signe rather of a beast then of a man.

**4. The vse
of iusti-
ce and
Frenship.**

Cicero doth add an other reason for this purpose, to wit, the vse of certaine principal vertues giuen vnto man, but principally iustice & frenship, which shoulde be vtterly in vaine, and to no vtilitye, if man shoulde not liue in company of others, for seing the office of iustice is to distribut to euery one his owne: wher no number is, ther no distribution can be vsed, as also neyther any act of frenship, which yet in the society of mā is so necessary & vusual (sayeth this excellent man) *vt nec aqua nec igne nec ipso sole pluribus in locis vtamur, quam amicitia,* that we vse nether water nor fyre nor the sonne it selfe in more places or occasions then frenship.

**Cicero
lib. de
amicitia.**

**The vse of
charity &
helping
one an
other.**

**August.
lib.de
amicitia.**

**Gen. 2. v.
18.**

And to this effect, of vsing frenship, loue and charity the one towards the other, do christian doctours also, and especially S. Augustine in his booke of frenship, reduce the institution of this natural instinct of liuing in cōpany: which seemeth also to be confirmed by God hym self in those wordes of Gcnesis, *Dixit quoque Dominus Deus : non est bonum hominem esse solum, faciamus, ei adiutorium, simile sibi.* God said, it is not good that man shoulde be alone, let vs make vnto him, a help or assistante like vnto himselfe, of which wordes is deduced that as this first society of our first parēts, vvas of God, & for so great purpose as heere is set downe, the one to be holpen by the other: so al other societys in like

in like maner which grow of this first, stand vpon the same ground of Gods ordination for the selfe same end of mans vtility.

And I haue bin the longer in speaking of this natural instinct to society, for that it is the first fountaine of al the rest, that enseweth in a common wealth, as hath bine said: for of this come familyes, villages, townes, castles, cyties, and common wealthes, al which Aristotle in his booke before named, doth proue to be of nature, for that this first inclinatiō to liue together (wherof al thos other things do spring) is of nature, as hath bin declared.

Out of this, is the second poynt before men-
tioned deduced, to wit, that gouernment also,
superiority, & iurisdiction of magistrats, is like-
wise of nature, for that it followerth of the
former, and seinge that it is impossible for men
to liue together with help and commodity of
the one, to the other, except ther be some ma-
gestrat or other to kepe order amōg them, with-
out which order ther is nothing els to be hoped
for as Job sayeth, *but horror and cōfusion*, as for ex-
ample, wher-soeuer a multitude is gathered to-
gether, if ther be not some to reppresse the inso-
lent, to assist the impotent, reward the vertuous,
chasten the outragious and minister some kind
of iustice and equality vnto the inhabitants:
ther liuing together would be farr more hurt-
ful, thē ther liuing a sunder, for that one would
consume and deuour the other, and so we see,
that vponliuing together followeth of ne-

That go-
vermet &
iurisdi-
ction of
Mage-
strats is
also of
nature.

I.
Necessity.

Job 10. v.
22.

cessity some kind of iurisdiction in Magistrats, and for that the former is of nature, the other also is of nature.

2. Al which is confitmed also by the consent & Consent vse of al nations through-out the world, which of natiōs. Cicero li. general consent, Cicero calleth, *ipsius vocem natu-
rā de natu rae* the voice of nature herselfe: for ther was ne-
ra Deorū.

uer yet nation found ether of ancient tyme or now in our dayes, by the discouery of the Indies, or els where, among vwhom men liuing together, had not some kind of Magestrate or superior, to gourne them, which euidently de-
The ciuil clareth that this poynt of Magestrates is also of lawv.

nature, and from god that created nature, which poynt our ciuil law doth proue in like manner in the very begining of our digestes, vther the

Lib. 1. di- secōd title of the first booke is, *de origine iuris ciui-*

gest. tit. 2. lis & omnium magestratum, of the begining of the ciuil law and of al magestrates which begining is referred to this first principle, of natural

1. instinct and Gods institution: And last of al, scripture. that God did concurr also expresly vwith this instinct of nature, our diuines do proue by cleare testimony of holy scripture, as vhen

Proe. 8. God saith to Salomon, *by me kings do raigne*, and

Rom. 13. S. Paule to the Romans auoucheth, that authority is not but of God and therfore he which resisteth authority resisteth God. Which is to be vnderstood of authority power or iurisdiction in it selfe, according to the first institution, as also vhen it is lawfully laid vppō any person, for otherwise when it is ether vvrongfully taken or vniustly vsed,

vsed, it may be resisted in diuers cases as afterwards more in particuler, shalbe declared, for then it is not law ful authority.

Thes two poynts then are of nature, to wit, the common wealth, and gouernment of the same by magistrates, but vwhat kind of gouernment each common vwealth vvil haue, whether *Democratia* vwhich is popular gouernment by the people it selfe, as Athens, Thebes, and many other cyties of Greece had in old tyme, & as the Cantons of Swizers at this day haue: or els *Aristocratia* vwhich is the gouernment of some certayne chosen number of the best, as the Romans many yeates vvere gouerned by Consuls and Senators, and at this day the states of this countrey of Holland do imitate the same, or els *Monarchia* vwhich is the regiment of one, and this agayne eyther of an Emperor, King, Duke, Earle or the like: thes particular formes of gouernment (I say) are not determyned by God or nature, as the other two poyntes before, (for they shoulde al one in al nations as the other are, seeing God and nature are one to al as often hath bin said) but thes particular formes are left vnto euery nation and countrey to chuse that forme of gouernment, which they shal like best, and think most fit for the natures and conditions of their people, vwhich Aristotle proueth through out al the second and fourth booke of his politiques very largly laying dovyne diuers kinds of gouernments in his dayes, as namely in Greece that of the Milesians, Lacedemonians,

Particuler forme of gouernment is free.

to A Conferente touching succession
monians, Candians, and others, and shewing
the causes of their differences, which he attri-
buteth to the diuersity of mens natures, custo-
mes, educations and other such causes that
made them make choise of such or such forme
of gouernment.

Diversitie
of gouer-
ment in
diuers cō-
tryes and
tymes.

Rome.

Africa &
Greece.

Italie.

And this might be proued also by infinit
other examples both of tymes past and present,
and in al nations and countryes both christian
and otherwise, which haue not had only diffe-
rēt fassions of gouermēts the one frō the other,
but euēn among themselues at one tyme, one
forme of gouernment, and an other at other ty-
mes: for the Romans first had Kings and after
rejecting them for their euil gouernment, they
chose Consuls, vvhich vvere two gouernours
for euery ycare, vvhose authority yet they limi-
ted by a multitude of senators, which vvere of
their counsel, and thes mens power, vvas re-
strayned also by adding tribunes, of the people,
and some tyme dictators, and finally they came
to be gouerned last of al by Emperors.

The like might be said of Carthage in Afri-
ca and many cityes and common wealthes of
Greece, which in diuers seasons and vpon di-
uers causes haue taken different formes of go-
uerment to themselues.

The like vve see in Europe at this day, for in
only Italye what different formes of gouernment
haue you? Naples hath a kinge for their soue-
raine, Rome the pope, and vnder him one sena-
tor in place of so many as vvere wont to be in
that

that common vwealth. Venice and Genua, haue senators & Dukes, but little authority haue ther Dukes. Florence, Fatara, Mantua, Parma, Vrbin and Sauoy, haue their Dukes only without senators, and there power is absolut. Milan vvas once a kingdom but now a Dukedom, the like is of Burgundy, Lorayne, Bauire Gasco-
 ny, and Britayne the lesser, al which once had their distinct kings, and now haue Dukes, for
 their supreme gouernours. The like may be said of al Germany that many yeares together had one king ouer al, which now is deuided into so many Dukedomes, Earldomes & other like titles of supreme Princes.

But the contrary is of Castile, Aragon, Portugal, Barcelona, and orher kingdomes this day in Spayne, which vvere first earldomes only and after Dukedomes, and then kingdomes, and now a gayne are al vnder one Monarchy. The like is of Boeme and Polonia which vvere but Dukedomes in old tyme, and now are kingdo-
 mes. The like may be said of France also after the expulsion of the Romans, vvhich was first a monarchy, vnder Pharamond their first king, and so continued for many yeares vnder Clodion, Merouys Childrik and Clodouæus ther first christened kings, but after they deuided it into fower kingdomes, to vvit one of Paris an other of Sueslons, the third of Orleans, and the fourth of Metts, and so it continued for diuers yeares, but yet aftervvards they made it one monarchy agayne.

England.

England also vvas first a monarchy vnder the Britaynes, and then a prouince vnder the Romans, and after that deuided into seauen kingdomes at once vnder the Saxons, and now a monarchy agayne vnder the Inglishe and al this by Gods permission, and approbation, vvhio in token therof, suffred his owne peculier people

**The Ie-
wes lib.
Genes.**

also of Israel to be vnder diuers manners of gouernments in diuers tymes, as first vnder Patriarques Abraham, Isaac and Iacob, then vnder

Lib. Exo.

Captaynes as Moses, Iosua, and the like, then

Lib. Job.

vnder iudges as Othoniel, Aiod, and Gedion,

Lib. Iud.

then vnder high Priestes, as Hely, and Samuel,

Lib. 1.

then vnder kings as Saul, Dauid and the rest;

Reg.

& then vnder captaines & highe priests agayne

**Lib. Ma-
chab.**

as Zorobabel Iudas Machabeus, & his brethren, vntil the gouernment vvas lastely taken from them, and they brought vnder the povver of the Romans, and forraigne kinges appoynted by them.

**The real-
me chus-
eth her
forme of
gouvernēt**

So as of al this, ther can be no doubt, but that the common vvealthe hath power to chuse their owne fassion of gouernment, as also to change the same vpon resonable causes, as we see they haue done in al tymes and countreyes, and God no doubt approueth vwhat the realme determineth in this poynct, for otherwise nothing could be certaine for that of thes changes doth depend al that hath succeeded sythens.

In like manner, is it euident, that as the com-
mon wealth hath this authority to chuse and
chaing

change her gouerment, so hath she also to limite the same vwith vwhat lawes and conditions she pleaseth, wherof ensueth the great diuersity of authority and power vwhich ech one of the former gouernments hath , as for example, the Consuls of Rome vvere but for one yeare , other officers and Magestrates vvere for more, or lesse tyme, as their commō wealth did alott them : The Dukes of Venice at this day are for their liues (except in certayne cases wherin they may be deposed) & thos of Genua only for two years and their power (as I haue said) is very smal and much limited, and their heires haue no clayme or pretence at al after them to that dignity, as the children and next of kinne of oþer Dukes of Italy haue, though in different sort also : for that the Dukedomes of Ferara, Vrbin and Parma are limited only to heires male, and for defect therof to returne to the pope or Sea of Rome, Florence and Mantua for like defects are to returne to the empire and do not passe to the heirs femal or to the next of kynne as Sauoy and some others do.

Aud now if we respect God and nature, as wel, might al thes gouernments follow one law, as so different, for that neyther God nor nature prescribeth any of thes particuler formes, but concurreth with any that the cōmon wealth it selfe appoynþeth, and so it is to be beleued, that God and nature concurred as vvel with Italy when it had but one Prince, as now when it hath so many, and the like with Ger-

many, and the like also with Swizerlād, which once was one common vwealth only vnder the dukes and Marqueses of Austria and now are deuided into thirtene Cantons or common wealthes vnder populer Magestrates of their owne, as hath bin said: so as when men talke of *a natural Prince or natural successor* (as many tymes I haue hard the vword vsed) if it be vnderstood of one that is borne within the same Realme or countrey and so of our owne natural blood, it hath some sense, though he may be both good or badd, (and none hath bin worse or more cruel many tymes then home borne Princes:) but if it be ment as though any Prince had his particular gouernment or interest to succeed by institutiō of nature, it is rediculous, for that nature giueth it not as hath bin declared, but the particuler constitution of euery cōmon wealth with-in it selfe, and so much for this first poynt which must be the ground to al the rest that I haue to say.

OF THE

OF THE FORME OF MONARCHIES AND KINGDO- MES IN PARTICULAR, AND THE DIF-

ferent lawes, wherby they are to be obteyned hol-
den and gouerned in dyuers countries atcor-
dinge as eche common wealth hath
chosen & established.

C A P. II.

AL that hitherto hath bin spoken, hath appertayned to al princely and supreme gouerment in general, but now for that our matter in question, is concerning the succession to a kingdome, good reason that we shoulde reduce our speech vnto this forme of gouerment in particular.

First of al then, is to be considered, that of al other formes of gouerment the monarchy of a king in it selfe, appeareth to be the most excellent and perfect, and so do hold not only Aristotle in his fornamed booke of pollitiques, & namely in his third (with this only condicion that he gouerne by lawes) but Seneca also and Plutarch in his morales & namely in that spe- cial treatise wher-in he discusseth, *an seni sit Respub: tractanda*, whether an old man ought to take vpon him the gouerment of a common wealth or no: wher he saith that, *regnum inter omnes respub: consumatisima & prima est*, a kingdome is the most perfect common wealth, among al other, & the very first: that is to say, the most

A monar-
chy the
best go-
uernment.

Arist. li. 4.
pol. a. c. 9.
Seneca.

Plutarch.

perfect for that it hath most commodities and least inconueniences in it selft, of any other gouernment, and it is the fist of al other, for that al people commonly made their choise at the begining of this kind of gouernment, so as of al other it is most ancient, for so we read that among the Syrians, Medes, and Persians their first gouernours were kings and when the children of Israel did aske a kynge at the hands of Samuel, which vvas a thousand yeares before the comming of Christ, they alleaged for one reason that al nations round about them had kings for their gouernours, and at the very same tyme, the chiefest cyties and common vvealthis of Greece, as the lacedemonians, Athenians, Corinthians, and others, wherof diuers afterwards tooke other gouernments vnto themselues, for the abuses in kingly gouernement committed, at that tyme vvere gouerned by

Dionys. Haly 1. 5. kings as at large proueth Dionisius Halicarnasseus, Cornelius Tacitus, Cicero & others.

Cornel. Tacit. 1. 3. The Romans also began vwith kings as before I haue noted, and the reason of this is, for that as our Christian doctors do gather, (especially S. Hierome and S. Chrisostome) this kind of gouernment resembleth most of al the gouernment of God, that is but one: it representeth the excellency of one sonne that lightneth al the plannets, of one soule in the body that gouerneth al the powers and members therof, and finally they shew it also to be most conforme vnto nature, by example of the bees which do choose

Cicer. 1. 1. Offic.

Hierom. 1. 2. epist. 12. 23. Chrisost. ho. 23.

choose vnto themselues a kinge, and do liue vnder a monarchy as the most excellentest of al other gouernments, to which purpose also I haue hard alleaged somtymes by diuers those wordes of S.Peter. *Subiecti estote omni humanae creaturae propter Deum, sive regi quasi precellenti; sive ducibus ab eo missis, &c.* Be you subiect of euery humane creature, for Gods cause, whether it be to a king, as the most excellent, or to Dukes sent by God for the punishment of euil men and praiſe of the good. Out of which wordes some do note two points, first that as one the one side the Apostle doth plainly teach that the magistrates authority is from God, by his first institutio, in that he sayeth, vve must be subiect to them for Gods cause, so on the other side, he calleth it a *humane creature* or a thing created by man, for that by mans free choise this particular forme of gouernment (as al other also) is appoynted in euery common wealth, as before hath bin declared: and that by mans election and consent, the same is layd vppon some particular man or wwoman, according to the lawes of euery country, al which maketh it rightly to be called both a humane creature, and yet from God.

The second poynt which diuers do note out of thes wordes, is, that S. Peter calleth a king most excellent, which though it may be vnderstood in respect of the Dukes authority, wherof immediatly ther followeth mentio: yet may it seeme also to be taken and verified of kingly authority in respect of al other gouernments,

Tvo
poyntes
to be no-
ted.

Hovv
S. Peter
calleth a
king most
excellent.

ments, seing that at this tyme when the Apostle wrote this epistle, the chiefe gouernour of the world, vvas not called king but emperour, and therfore seing in such a tyme S.Peter affirmeth the state of kingly gouernment to be most excellent, it may seeme he meant it absolutly signifying therby that this is the best kind of gouernment among al others, though to confess the truth betwene the title of king and Emperour ther is litle or no difference in substance, but only in name, for that the authority is equal, euery king is an Emperor in his owne kingdome.

And finally the excellency of this gouernment aboue al other, is not only proued by the perfection therof in it selfe, as for that it is most ancient simple and conforme vnto nature, & most resembling the gouernment of God himselfe, as hath bin said, but by the effects also and vtility that it bringeth vnto the subiects, with farr lesse inconueniences then any other forme of gouernment what-soever if vve compare them together: for in the monarchy of one king, ther is more vnity, agreement, and conformity, and therby also celerity commonly in dispatching of busines, and in defending the cōmon vvealth, then vther many heades be: lesse passions also, in one man then in many: as for example in *Democratia*, vther the common people do beare the cheife sway, which is *bellua multorum capitum* as Cicero wisely said, that is, a beast offic. *Democratia*. of many heades, ther is nothing but sedition, trouble,

Vtilites
of a king-
dome and
in conue-
niences
of other
gouer-
mentes.

Cicero I. i. *rum capitum* as Cicero wisely said, that is, a beast offic. *Democratia*. of many heades, ther is nothing but sedition, trouble,

trouble, tumults, outrages, and iniustices committed vpon euery little occasion, especially vvhether crafty and conning men may be admitted to incense or assuage them with sugred vvords, such as were the Orators in Athens, and other cyties of Greece, that had this gouernmer, and the Tribunes of the people of Rome, and other such populer and plausible men, vvhoso could moue the vvaues, rayse vp the windes, and inkindle the fier of the vulgar peoples affections, passions or furies at their pleasure, by which vve see that of al other common vvealthes, these of populer gouerment, haue soonest come to ruine, vwhich might be shewved not only by old examples of Greec, Asia, and Africa, but also of many cyties in Italy, as Florence, Bolonia, Siena, Pisa, Arezzo, Spoleto, Perugia, Padua and others, vwhich vpon the fall or diminution of the Roman Empire (vnder which they vvere before) tooke vnto themselues populer gouerments, vvhelin they vvere so tossed vwith continual sedition, mutines, and bāding of factions, as they could neuer haue ende therof, vntil after infinite murthers massacres and inundatiō, of blood, they came in the ende to be vnder the monarchy of some one Prince or other, as at this day they remayne: so that of al other gouerments this is the vvorst.

The second forme, which is called Oligarchia or Aristocratia (for that a few and those presumed to be the best, are ioyned together in authority) as it doth participate some thinge of both

Miseries
of popu-
ler gouer-
ment in
Italy.

Aristo-
cratia.

of both the other gouermēts, to wit, of monarchia and Democratis, or rather tempereth them both: so hath it both good and euil in it: but yet inclineth more to the euil, for the disunion that commonly by mans infirmitie & malice, is among thos heades, for vwhich cause the states before named of Venice and Genua, vwhich were wont to haue simply this gouernment of Aristocratis, in that their regiment was by certaine chose senators, were inforced in the end, to chuse Dukes also, as heades of their senates, for auoyding of dissention, and so they haue them at this day, though their authority be but smale as hath bin said.

We see also by the examples of Carthage & Rome wher gouernment of Aristocratis, tooke place, that the diuision and factions among the senators of Carthage, was the cause why ayde and succor was not sent to Hanibal, their Captaine in Italy after his so great and important victory at Cannas which was the very cause of the sauing of the Roman Empire, and the losse of their owne. As also afterwardes the emulations, discord, and disunion, of the Roman senators, among themselues in the affaires and contentions of Marius and Silla, and of Pompey and Cesar, was the occasion of al their destruction & of their common vwealth with them.

Euident then it is, that of al other gouernments the monarchy is the best, & least subiect to the inconueniences that other gouernments haue,

*Tit. Iii.
L. 30.*

*Eutrop. I.
3.
Oros. I. 5.
& 6.*

haue, and if the prince that governeth alone & hath supreme authority to himselfe, as he resembleth God in this poynte of sole gouermēt, The cause vwhy lasses be added to Kings. so could he resemble him also, in wise, discret, and iust gouerment, and in ruling without passion: no doubt, but that nothing more excellent in the world could be desired for the prefect flicity of his subiects: but for that a king or Prince is a man as others be, and therby not only subiect to errors in iudgment, but also, to passionat affections in his wil: for this cause, it was necessary that the common vvealth, as it gaue him this great power ouer them, so it shoulde assigne him also the best helpes that might be, for directing and rectifying both his wil and iudgment, and make him therin as like in gouerment to God, whom he representeth, as mans fraylty can reach vnto.

For this consideration they assigned to him first of al, the assistance and direction of law, wherby to gouerne, which law Aristotle saith.

Est mens quædam nullo perturbata affectu, it is a certayne mynde disquieted with no disordinate affection, as mens myndes commonly be, for that when a law is made, for the most part, it is made vpon dew consideration and delibera-Arist. I. 3. pol. c. vlc.tion, and without perturbation of euil affections, as anger, enuy, hatred, rashnes, or the like passions, and it is referred to some good end and commodity of the common vvealth, which law, being once made, remayneth so stel without alteration, or partial affectiō, being indifferent

indifferent to al and partial to none, but telleth one tale to euery man , & in this it resembleth the perfection as it were of God himselfe , for the which cause the said philosopher in the same place, addeth a notable wise sayng, to wit,

A nota-
ble saying
Arist.l. 3.
Fol.c.12. *that he which ioyneth a law to gouerne with the Prince, ioyneith God to the Prince , but he that ioyneth to the Prince his affection to gouerne, ioyneth a beast: for that mens affections and concupiscenses are common also to beastes: so that a Prince ruling by law is more then a man, or a man deifyed, and a Prince ruling by affections, is lesse then a man, or a man brutified. In an other place also the same philpsopher sayeth that a Prince that leaueth law and ruleth himselfe & others by*

Arist.l. 1. *his owne appetite and affections , of al creatures is the worst and of al beasts is the most furious and*

Pol.c.2. *dangerous, for that nothing is so outragious, as iniustice armed , and no armor is so strong, as witt and authority, wherof the first he hath in that he is a man, and the other in that he is a Prince.*

**Divers
names &
properties
of la-
wes.**

**Cic.lib.2.
offic.**

For this cause then al common wealthes haue prescribed lawes vnto their Princes , to gouerne therby, as by a most excellent, certayne & immutable rule, to which sense Cicero, said *leges sunt inuenta ut omnibus semper una & eadem voce loquerentur , lawes were inuented to the ende, they shoulde speake in one and the selfe same sense, to al men. For which very reason in lyke maner thes lawes haue bin called by Philosophers a rule or square , inflexible , and by*

Aristotle

Aristotle in particular a mynde without passion, as hath bin said, but the Prophet Dauid who was also a Prince & king, semeth to cal it by the name of *Discipline*, for that as discipline doth keepe al the partes of a man or of a particular house in order, so law vvel ministred, Lxxv is the discipline of a vveale publique. keepeth al the partes of a common vwealth in good order, and to shew how seuerely God exacteth this at al Princes handes, he sayth these wordes. And now learn ye kinges and be instru- Psal. 2. cted, you that iudge the world: serue God in feare and reioyse in him with trembling, embrace ye discipline, least he enter into wrath, and so ye perish from the way of righteousness. Which wordes being vttered, by a prophet and king do conteyne diuers poynts of much cōsideration, for this purpose: as first, that kings and Prince are bound to learne law and discipline, and secondly to obserue the same vwith great humility and feare of Gods wrath, and thirdly that if they do not, they shal perish frō the way of righteousness, as though the greatest plague of al to a Prince weare to lose the way of righteousness, law, and reason in his gouerment, and to give himselfe ouer to passion, and his owne vvil wherby they are suer to come to shipwrack, and thus much of the first helpe.

The second help that common wealthes haue giuen to their kings and Princes especially in later ages, hath bin certayne councelles and councillors with whom to consult in matters of most importance, as we see the parla-

ments, of Ingland and France, the courtes in Spayne and diets in Germany, vwithout which no matter of great moment can be concluded, and besides this commonly euery king hath his priuy councel, whom he is bound to heare, and this vvas done to temper somwhat the absolute forme of a Monarchy whose danger is by reason of his sole authority, to fal into tyranny as Aristotle vvisely noteth, in his fourth booke of politiques, shewing the incōuenience or dangers of this gouerment: vwhich is the cause that vve haue few or no simple monarchies now in the world, especially among Christians, but al are mixt lightly with diuers pointes of the other two formes of gouerment also,

The mo-
narchie
of Ingla-
nd. and namely in Ingland al three do enter more or lesse, for in that ther is one king or Queene, tepered. it is a monarchy: in that it hath certayne counelles which must be hard: it participateth of Aristocratia, and in that the commonalty haue their voices and burgesses in parliament, it takeith part also of Democratia, or populer gouerment, al which limitations of the Princes absolute authority, as you see, do come for the common wealth, as hauing authority aboue their Princes for their restraint to the good of the realme, as more at large shalbe proued hereafter.

The re-
straints of
kingly po-
vver in al
estates.

From like authority and for like considera-
tions have come the limitations of other kings and kingly povver in al tymes and countries, from the beginning, both touching themselues and their

and their posterity and successors as breefly in this place I shal declare.

And first of al, if we vvil consider the tvo most renoumed and allowed states of al the world I meane of the Romans and Grecians, vve shal finde that both of them began vwith kings, but yet vwith far different lawes and restraints, about their authorityes: for in Rome the kings that succeeded Romulus, their first founder, had as great and absolute authority as ours haue now adayes, but yet their children or next in blood succeeded them not of necessity, but new kings were chosen partly by the senate, and partly by the people, as Titus Liuius testifieth, so as of three most excellent kings that ensewed immediatly after Romulus, to wit, *Numa Pompilius*, *Tullius Hostilius*, & *Tarquinus Priscus*, none of them were of the blood royal nor of kyn the one to the other, no nor yet Romans borne, but chosen rather from among straingers, for their vertue and valor, and that by election of the senate and consent of the people.

In Greece, and namely among the lacedemonians which vvas the most emynent kingdom among others at that tyme, the succession of children after their fathers was more certayne, bnt yet as Aristotle noteth, ther authority & power was so restrayned by certayne officers of the people named Ephori (which commonly vvere fife in number) as they were not only checked and chastined by them, if occasion ser-

Roman Kings.

Liu.lib.1.
dec 16

Grecian kings.

Arist.li.2.
c. 8. polit.
Plutarch.

in Ly-

curg.

26 A Conference touching succession
ued, but also depriued and some tymes put to
death: for which cause the said philosopher
did iustly mislike this emyhent iurisdiction of
the Ephori, ouer their kings: but yet hereby we
see vvhath authority the common wealth had in
this case, and what their meaning vvas in ma-
king lawes and restrayning their kings power,
to wit, therby the more to binde them to do
iustice, which Cicero in his offices vttereth in

Cic.lib. 2. offic. *Iustitiae fruenda causa apud maiores
nostros & in Asia & in Europa bene morati reges olim
VVhy kings vve sunt constituti, &c. at cum ius &quabile ab uno viro
re retray- homines non consequerentur, inuent & sunt leges.* Good
named by la-
vves. kings vvere appoyned in old tyme among our
ancestors in Asia and Europe to the end therby
to obteyne iustice, but when men could not ob-
teyne equal iustice at one mans handes, they
inuented lawes.

The same reason yealdeth the same philoso-
pher in an other place, not only of the first in-
stitution of kingdomes, but also of the chainge
therof agayne into other gouernments, when

Cic.lib. 3. de legi-
bus. *Omnes antiquae gentes regibus
quondam paruerunt, &c.* That is, al old nations
,, did liue vnder kingdomes at the beginning,
,, which kind of gouernment first they gaue vnto
,, the most iust, and wisest men, which they could
,, finde, and also after for loue of them, they gaue
,, the same to their posterity or next in kynne, as
,, now also it remayneth vvhether kingly gouer-
,, ment is in vse: but other countries which liked
,, not that forme of gouernment, and haue shaken
it of,

it of, haue done it not that they wil not be vn-,
der any, but for that they wil not be euer vnder,,
one only.

Thus far Cicero, and he speaketh this prin-
cipally in defence of his owne commō wealth
I meane the Roman, which had cast of that
kinde of gouerment, as before hath bin said, for
the offence they had taken agaynst certayne
kings of thers, and first of al, agaynst *Romulus*
himselfe their first founder, for reigning at his
pleasure without law, as *Titus Liuius* testifieth,
for which cause the senators at length slew
him, and cut him in smal peces. And afterwards
they were greatly greeued at the entring of
Seruins Tullius, their sixt king, for that he gate the
crown by fraude and not by election of the
Senate, and special approbation of the people,
as he shoulde haue done: but most of al they
were exasperated by the proceeding of their se-
uenth kinge named *Lucius Tarquinius*, surnamed
the proud, who for that (as *Liuius* saith) he ne-
glected the lawes of gouerment prescribed to
him by the common wealth, as namely in that
he consulted not with the Senate in matters
of great importance, & for that he made war &
peace of his owne head & for that he appoynted
to himselfe a gard as though he had mistrusted
the people, and for that he did vse iniustice to
diuers particuler men, and suffred his children
to be insolent, he was expelled with al his po-
sterity and the gouerment of Rome changed
from a kingdome vnto the regiment of con-

suls, after two hundredth yeares that the other had endured.

And thus much for those kingdomes of Italy and Greece: And if likewise we wil looke vpon other kingdomes of Europe, we shal see the very same, to wit, that euery kingdome & countrey hath his particuler lawes prescribed to their kings by the common vwealth, both for their gouernment, authority, and succession in the same: for if we behold the Romā Empire it selfe, as it is at this day annexed to the Germaine electors, though it be the first in dignity among christian Princes, yet shal we see it so restrayned by particuler lawes, as the Emperor can do much lesse in his state, then other kings in theirs, for he can nether make vvarr nor exact any contribution of men, or money, therunto, but by the free leauue and consent of al the states of the Germayne diet or parliament, and for his children or next in kynn, they haue no action, interest or pretence at al to succed in their fathers dignity, but only by free electiō, if they shalbe thought vvorthy: Nay one of the chiefest poynts that the Emperor must sweare

Sleydan lib. 8. An. 1532. at his entrance, as Sleydan writeth, is this, that he shal neuer go about to make the dignity of the Emperor peculiar or hereditary to his family, but leauue

Blond. Di cead. 2. li. 3 Crant. li. cap. 25. it vnto the seuen electors free in their power, to chuse his successor, according to the law made by the pope Gregory the fyfth, and the Emperor Charles the fourth in this behalfe.

Restraints
of king-
domes in
Europe.

The kingdomes of Polonia & Boemia do go
much after the same fashion, both for there re-
strainte of power, and succession to their kings.
For first touching their authority, they haue
great limitation, nether can they do any thing
of great moment, without the consent of cer-
tayne principal men called Palatines or Castel-
lans, nether may their children or next of blood
succede except they be chosen, as in the Em-
pire.

Kingdo-
mes of
polonia
and Boe-
mia.

In Spayne, France, and Ingland, the priuile-
ges of kings are far more eminent in both thes
points, for that both their authority is much
more absolute, and their next in blood do ordi-
narily succede, but yet in different manner: for
as touching authority it semeth that the kings
of Spayne and France, haue greater then the
king of England, for that euery ordination of
thes two kings, is law in it selfe, without fur-
ther approbatio of the common wealth, which
holdeth not in England, where no general law
can be made without consent of parliament: but
in the other pointe of succession, it appeareth
that the restraint is far greater in thos other two
countries, then in Ingland, for that in Spayne
the next in blood cannot succede be he neuer
so lawfully descended, but by a new approba-
tion of the nobility and bishops, and states of
the Realme, as it is expressly set downe in the
two ancient councelles of Tolledo the fourth
and fifth. In confirmation wherof we see at this
day, that the king of Spaynes owne sonne, can-

Herbert
li. 9. hist.
Polon.
Crome-
rus lib. 3.
Hist. Po-
lon.

Kinges of
Spayne
Fraunce
and In-
gland.

not succede nor be called Prince, except he be first sworne by the said nobility and states in token of their new consent, and so we haue seene it practized in our dayes towards three or fower of King Philips children, which haue succeeded the one after the other in the title of Princes of Spaine, and at every chainge a new oth required at the subiects handes, for their admission to the said dignity, which is not vsed in the kings children of France or Ingland.

Peculiar
manner
of success-
ion.

In France the world knoweth how women, are not admitted to succed in the crowne be they neuer so neare in blood, nether any of their issue, though it be male. For which cause I doubt not but you reméber how king Edward the third of Ingland though he were sonne & heire vnto a daughter of France, whose three brethren were kings and left hit sole heire to his father king Phillip the fourth surnamed the fayre, yet vvas he put by the crowne, as also was the king of Nauar, at the same tyme, who was sonne and heire vnto this womans eldest brothers daughter, named Lewis Huttin king of France, (which king of Nauar therby seemed also to be before king Edward of Ingland) but yet were they both put by it, and Philip de Vallois, a brothers sonne of Phillip the faire,

Fran. Bel-
for lib. 5.
cap. i.
An. 1327.

was preferred to it, by general decree of the states of France, and by vardit of the whole parliament of Paris, gathered about the same af- fayre.

Nether did it auayle, that the two kings a fore

fore said alleaged, that it was agaynst reason & conscience and custome of al nations, to exclud vvomen, from the succession of the crowne which appartayned vnto them by propinquity of blood, seing both nature & God hath made them capable of such succession euery where, as it appereth by example of al other nations, and in the old testament among the people of god it selfe, wher we see women haue bin admitted, vnto kingdomes by succession, but al this (I say) preuayled not, vwith the French as it doth not also at this day for the admission of *Dona Isabella Eugenia Clara, infanta of Spayne vnto* the said crowne of France though by dissent of blood ther be no question of her next propinquity for that she is the eldest child of the last kings eldest sister.

The like exclusion is made agaynst the Prince of Lorayne that now liueth, though he be a man, and nephew to the last king, for that his title is by a woman, to wit, his mother, that vvas yonger sister vnto the last king Henry of France.

And albeit the law called Salica, by the Frenchmen, by vertue vwheroft they pretend to exclude the succession of vvomen, be no very ancient law, as the French themselues do confess, and much lesse made by Pharamond their first king, or in thos ancient tymes as others without ground do affirme: yet do vve se that it is sufficient, to bynd al Princes and subiects of that realme, to obserue the same, and to alter

Reasons
for succe-
sion of
vvomen.

*infanta of
Spayne &*

*Prince of
Lorayne.*

*Gerarddu
Haillan
Lib. 13.
Hist. Frac.*

*& Anno
1317. &
lib. 14.*

*An. 1328.
& lib. 3.
de l'Estat*

the course of natural descent, and nearnes of blood as vve haue seene, and that the king of Nauatr and some other of his race by vertue of this only law do pretend at this day to be next in succession to this goodly crowne, though in nearnes of blood they be farther of, by many degrees from the last king Henry the third, then either the foresaid Enfanta of Spayne or the Prince of Lorrayne that now is, vwho are children of his owne sisters, which poynt yet in Ingland vvere great disorder, and would not be suffered, for that our lawes are otherwise, & vwho made thes lawes, but the common wealth it selfe.

By al vwhich vve see that diuers kingdomes, haue diuers lawes and customes in the matter of succession, and that it is not enough (as often I haue said) for a man to allege bare propinquity of blood, therby to preuaile, for that he may be excluded or put back by diuers other circumstances, and for sundry other reasons which afterward we shal discusse.

Kings lawfully possessed may be deprived. Yea, not only in this pointe (said he) hath the commō wealth authority to put back the next inheritors vpon lawful considerations, but also to disposesse them that haue bin lawfully put in possession, if they fulfil not the lawes and condicions, by which and for which, their dignitie vvas giuen them. Which poynt as it can not serue for vvicked me to be troublesome vnto their gouernors, for their owne interests or appetits, so yet when it is done vpon iust and

vrgent

urgent causes and by publique authority of the whole body: the iustice therof is playne, not only by the grounds and reasons before alledged, but also by thos examples of the Romans and Grecians alredy mentioned, vwho lawfully deposed their kings vpon iust considerations, & chainged also ther monarchie and kingly gouerment, into other formes of regiment. And it might be proued also, by examples of al other nations, and this perhapps vwith a circumstance vwhich I know not, vwhether euery man here haue considered the same, to vvit, that God hath vonderfully concurred for the most part, vwith such iudicial actes of the common wealthe agaynst their euel Princes, not only in prospering the same, but by giuing them also commonly some notable successor in place of the deposed, therby both to iustify the fact, and to remedy the faulte of him that went before.

A markable circūstance.

To this al the company answered, that they had neuer much thought, nor made reflexion vpon any such circumstance, and therfore that it could not be but a pointe of much nouelty, to here the same discussed, requesting him to say what he had obserued or read in that behalfe.

I am content (said he) but yet vwith this preface, that I am far from the opinion of thos people of our dayes, or of old, who make so little accompt of their duty tovwards Princes, as be their title vwhat it wil, yet for euery mislike of Agaynst rebellious people and temnors of Princes.

ther

ther owne they are redy to band agaynst them whersoeuer they thinke they may make their partie good, inuenting a thowsand calumniations for ther discredit without conscience or reason, vvhom in deede I do thinke to haue little conscience or none at al but rather to be those vvhom the Apostles S. Peter and S. Iude did speake of vwhen they said. *Nouit Dominus iniquos in diem iudicij reseruare, cruciandos, magis autem eos qui dominationem contemnunt, audaces, sibi placentes, &c.* God knoweth how to reserue the wicked vnto the day of iudgment ther to be tormented, but yet much more those [vwhich do contemne domination, or gouernment, and are bold and liking of them selues, thus much ther.

**Tytles of
Princes
once set-
led not to
be exami-
ned by
priuat
men.**

Nay further, I am of opinion, that whatsoeuer a Ptinces title be, if once he be settled in the crowne, and admitted by the common wealth (for of al other holdes I esteeme the tenure of a crowne) if so it maye be termed (the most irreguler and extraordinary) euery man is bound to settle his conscience to obey the same, in al that lawfully he may commaunde, and this without examination of his title, or interest, for that (as I haue said) God disposeth of kingdomes and vworketh his vil in Princes affayres as he pleaseth, and this by extraordinary meanes, oftentymes so that if vve should examine the titles at this day, of al the Princes of Christendome, by the ordinary rule of priuate mens rightes successions or tenures, vve should find so many knotts and dificulties, as it vvere hard for any

for any law to make the same playne, but only the supreme law of gods disposition, which can dispense in what he listeth.

This is my opinion in this behalf for true Agaynst
and quiet obedience, and yet on the other side, flatters
as far of am I from the abiect and vvicked fla- that yeald
tery of such as affirme Princes, to be subiect to to much
no law or limitation at al, either in authority povver to
gouernment, life, or succession, but as though by
nature they had bin created kings from the be-
gining of the vworld, or as though the common
vwealth had bin made for them and not they
for the common vwealth, or as though they had
begotten or purchased or giuen life to the
vvealpublique, and not that the vvealpublique
had exalted them or giuen them their authori-
ty honor and dignity: so thes flatterers do free
them, from al obligation, dewty reuerence or
respect vnto the whole body wherof they are
the heades, nay exprestly they say and affirme
that: *al mens goodes bodies and liues, are the Princes
at their pleasures to dispose of: that they are vnder no
law or accompt-giving Whatsoeuer, that they succeed
by nature and generation only, and not by any authority* Absurde
admission or approbation of the common wealth, and flateries
that consequently no merite or demerit of ther persons
is to be respected, nor any consideration of their natures
*or qualities, to wit of capacity, dispositio, or other perso- vterred by
nal circumstances, is to be had or admitted, and do
they what theylist, no authority is ther vnder God, to
chasten them.* Bellay & others.

Al thes absurd paradoxes, haue some men of
our dayes

Belloy in
apolog.
cath. &
apolog.
pro rege.

our dayes vittered in flattery of Princes , and namely of late, one Belloy a French man (as before I signified) in two booke s which he called apologies, the one catholique, and the other for the king, both vwhich he semeth to vwrite in fauour of the king of Nauare , (and as other also cal him king of France) but in my opinion, he deserueth smal commendation , or revward to defend a kings title, vwith such assertions and propositions , as do destroy al law reason conscience and common vwealth, and do bring al to such absolute tyranny as no realme euer did or could suffer among ciuil people , no not ynder the dominion of the Turke himselfe at this day , vvhether yet some proportion of equity is held betwene the Prince and the people , both in gouernment and succession, though nothing so much as in Christian nations.

The pur-
pose of
the next
Chapter.

Wherfore to auoyd thes two extremes, I shal proue vnto you, the meane before mentioned, to vvit, that as al the duty, reverence, loue , and obedience before named, is to be yealded vnto euery Prince which the common wealth hath once establisched: so yet retayneth stil the common wealth her anthority not only to restrayne the same Prince, if he be exorbitant, but also to chasten and remoue him, vpon due & waigthy considerations , and that the same hath bin donne and practised at many tymes in mest nations, bothe Christian & otherwise vwith right good successe , to the weal publique, and this shalbe the argument (if you thinke good) of our next

our next meeting, for that now it is late, and I would be loth to haue you go away vwith my tale halfe tould, for that it is a matter of much moment, as to morrow you shal here.

Al vveare content vwith this resolution, and so departed eueriy man, to his loging, vwith purpose to returne the next morning somewhat more early then their accustomed houre to the end the matter might be thoroughly debated.

OF KING S LAVVFVL- LY CHASTISED BY THEIR COMMON VVEALTHES FOR THEIR *misgouernment, and of the good and prosperous successe that God commonly hath giuen to the same.*

CAP. III.

THE company vvas no soner come together the next morning, but they were al at the ciuiliā lawyer to performe his promise, and to prosecute the matter he had propounded the night before: to vvhom he answered, you require of me (if I be **Two** not deceaued) two points ioynly to be proued ^{pointes to be pro-} vnto you, the first that common wealthes haue **ued.** chastised somtymes lawfully ther lawful Princes, though never so lawfully they vveare descended, or otherwise lawfully put in possession of their crowne, and secondly that this hath fallen

fallen out euer, or for the most part, commo-
dious to the vvealpublique, & that it may seeme
that God approued and prospered the same, by
the good successse and successors that ensevved
therof. Which two points, I am content (quoth
he) to shew vnto you, by some examples for
that the reasons herof haue in part bin declared
before, & shalbe more in particular hereafter,
but yet must I do this vwith the protestation,
before mentioned, that nothing be taken out

Nothing
heet spo-
ke against
dew re-
spect to
Princes.

of this my spech, agaynst the sacred authority
and dew respect and obedience, that al men do
owe, vnto Princes both by Gods law and nature
as hath bin proued, but only this shal serue
to shew that as nothing vnder God is more ho-
norabile, amiable, profitable or soueraine, then
a good Prince: so nothing is more pestilent or
bringeth so general destruction and desolation
as an euel Prince. And therfore as the vwhole
body is of more authority then the only head,
and may cure the head if it be out of tune, so
may the wealpublique cure or cutt of their
heades, if they infest the rest, seing that a body
civil may haue diuers heades, by succession, and
is not bound euer to one, as a body natural is,
vvhich body natural, if it had the same ability
that whē it had an aking or sickly head, it could
cut it of and take an other, I doubt not, but it
vwould so do, and that al men would confesse
that it had authority sufficient & reason to do,
the same rather then al the other partes shoulde
perish or liue in payne and continual tourmēt:

but yet

but yet much more cleare is the matter that vve haue in hand for disburdening our selues of vvicked Princes, as now I shal begin to proue vnto you.

And for professe of both the poynts ioyntely
 Which you require, I might beginn perhaps
 with some examples out of the scripture it
 selfe, but that some man may chace to say, that
 thes things recounted ther of the Iewes, vvere
 not so much to be reputed for acts of the com-
 mon wealth, as for particular ordinations of
 God himselfe, vwhich yet is not any thing
 agaynst me, but rather maketh much for our
 purpose. For that the matter is more authorized
 hereby, seing that what soever God did ordeyne
 or put in vre in his common vwealth, that may
 also be practised by other common vwealthes,
 now hauinge his authority and approbatiō for
 the same. Where-fore (said he) though I do hastē
 to examples that are more nearer home, and
 more proper to the particuler purpose wheroft
 vve treat, yet can I not omit to note some two
 or three out of the bible, that do apperteyne
 to this purpose also, & thes are the depriuacion
 and putting to death of two wicked kings of
 Iuda, named Saul and Aimon, (though both of
 them vvere lawfully placed in that dignity) ^{1. Reg. 35.}
 and the bringing in of David and Iosias in their
 roomes, vwho were the two most excellent
 Princes that euer that nation or any other (I
 thinke) haue had to governe them. ^{4. Reg. 21.} ^{44.}

And first king Saul though he were elected
 E by God

by God (as you know) to that royal throne, yet vvas he slayne by the Philistians by Gods order as it vvas foretold him for his disobedience & not fulfillinge the law & limites prescribed vnto hym. Amon was lawful king also & that by natural descent & successio for he was sonne & heire to king Manasses whom he succeeded and yet was he slayne by his owne people, *quia non ambulauit in via Domini*, for that he walked not in the way prescribed vnto him by God: and vnto thes two kings so depriued, God gaue two successors, as I haue named, the like wherof are not to be found in the whole ranck of kings for a thousand yeares togeather: for of Iosias it is

King Iosias.

**2. Paralip.
34. 5**

**2. Paralip.
35.**

King Dauid.

**Xenophō
in Cyro-
pad.**

*Written, Fecit quod erat rectum in conspectu Domini,
& non declinauit neque ad dextram neque ad sinistrā,* he did that which was right in the sight of God, nether did he decline vnto the right hand nor the left. He reigned 31. yeates, and Hieremias the prophet that liued in his tyme, loued so extremely this good king, as he neuer ceased afterwards to lament his death as the scripture sayeth.

As for king Dauid, it shal not be needful to say anything, how excellent a king he vvas, for as many lerned men do note, he was a most perfect paterne for al kings that should follow in the world, not as king Cyrus whom Xenophon did paint out more according to his owne imagination of a perfect king, that he wished, then to the truth of the story, but rather as one that passed far in actes that which

is written

is written of him , and this not only in matters of religion, piety, and deuotion:but also of cheualry valor wisdome & pollicy, nether is it true which Nicholas Machauel , the Florentyne, and some others of his new vncchristian schole do affirmē, for defacing of chrtistian vertue , that Nich. Ma-
cha 1.2. c.
2. in Tit.
Liuius.

*religion and piety are lettys ostentymes to politique and
wise gouernment, and do breakē or weaken the high
spirits of magnanimous men , to take in hand greate
enterprises for the common wealth.* This (I say) is August. I.
extreme falle, for that as diuines are wont to de Gran.
Say (and it is most true) grace doth not destroy or corrupt but perfecteth nature, so as he which by nature is valiant, wise , liberal, or politique, shalbe the more , if also he be pious and religious. Which we see euidently in king David, who notwithstanding al his piety, yet omitted he nothing apperteyning to the state and gouernment of a noble wise and politique Prince. For first of al , he began with reformation of his owne court and realme in matter of good life and seruice of God , wherin he vsed the counsele and direction of God and of Nathan the Prophet, as also of Abiathar and Hiram the cheefe priestes, and of Heman his wise counsellor. He reduced the whole clergie into 24. degrees , appointing foure thousand singars with divers sortes of musycal instruments, vn- der Asaph, Heman and other principal men that should be heade of the quyre. He appoynted al officers needful both for his court and also the commō wealth, with the armes of the crowne,

which was a Lyon, in remembrāce of the Lyon
which he had slayne with his owne handes,
when he vvas a child: he ordeyned a mynt with
a peculier forme of money to be stamped: tooke
order for distributing reliefē vnto the poore, &
otherlyke actes of a prudent and pious Prince.

After al this he turned himselfe to his old ex-
ercise of warres, to which he was giuen from
his child hood, being wonderful valiant of his
owne person as appereth by the Lion and beare
that he slew vwith his owne handes, and the co-
rage vtherwith he tooke vpon him the com-
bat with Goliath, and as he had shewed him-
selfe a great vvarier and renowmed captayne
many yeares in the seruice of Saul, agaynst the

King Dauides vi-
ctoires.

king hymself, for that he conquered not only
the Philistians, but also the Amorits, Idumeans,
Moabites, vwith the kings and people of Da-
masco and al Syria, euен vnto the riuer Eupha-
tes, & left al thes countrys peace-able to his

^{2. Reg. 8.} successor and the scripture recompteth in one
only chapter, how that in three or foure battai-

^{2. Paral. 18} les wherin Dauid himselfe vvas present, vwith
in the space of two or three yeares, almost a
hundreth thousand horse and footē slayne by
him, and that himselfe slew in his dayes eight
hundreth vwith his owne handes, and that he

^{2. Reg. 23} made by his example thirty & seuen such Cap-
^{Joseph. 1.7} taynes as ech one of them was able to lead and
^{antiq. c. 10} gouerne a vvhole army, and yet among al thes
expenses

Thearmes
of King
Dauid.

His valor
in chiual-
ry.

King Da-
uides vi-
ctoires.

^{2. Reg. 8.}

^{2. Paral. 18}

^{2. Reg. 23}
^{Joseph. 1.7}
^{antiq. c. 10}

expenses of vvarres had he care to lay vp so much money and treasure as vvas sufficient for the buylding of that huge and vvonderful temple after him, which he recommended to his sonne Salamon , and amiddest al this valor and courage of so vvarlyke a king and Captayne, had he so much humility as to humble himselfe to Nathan the Prophet vwhen he came to rebuke him for his fault, and so mnch patience and charity as to pardon *Semei* that reuyled him and threw stones at him in the high way as he vvent, and among so many and continual busineses, both martial and ciuil, & great affaires of the common vwealth, he had tyme to write so many Psalmes as we see, and to sing prayses seuen tymes, a day to almighty God, and to feel that deuotion at his death which we read of, & finally he so liued and so dyed, as neuer Prince (I thinke) before him nor perhapps after hym so ioyned together both valor and vertue courage and humility, vvisdom and piety, gouernment and deuotion, nobility and religio. Wherfore though I haue bin somwhat longer then I would in this example, yet hath it not bin from the purpose to note somwhat in particular vwhat two vvorthy kings vvere put vp by God in place of tvvo other by him depriued & deposed.

And now if we vvil, leaue the Hebrues and returne to the Romans , of vvhom vve spake before, we shal find diuers things notable in that state also, to the purpose vve haue in hand.

For before I tould you how that Romulus their
 Malicar 1. first king hauing by litle and litle declined into
 tyranny, he was slayne and cut in peeces by the
 senate (which at that tyme conteyned a hun-
 dred in number) and in his place was chosen
Numa Pompilius the notablest king that euer
 they had, who prescribed al their order of reli-
 gion and manner of sacrifices, imitating therin
 and in diuers other poyntes, the rites and cere-

Tertul. li. monyes of the lewes, as Tertulian and other fa-
 de præ-
 scrip. con-
 tra hæres.
 Justin.
 marty^r
 apolog. thers do note he began also the buylding of
 their Capitol, added the two monethes of Ian-
 uary and February to the yeare and did other
 such notable things for that common wealth.

Agayne when Tarquinius the proud ther se-
 uenth and last king, was expelled by the same
 senate, for his euel gouerment, and the whole

Tit. siu. li. manner of gouerment chainged, as before hath
 1. dec. 1. bin touched, we see the successe vvas prospe-
 Eutrop. 1. rous, for that not only no hurt came thereby to
 the common vwealth, but exceeding much
 good, seing their gouerment and increase of
 Empire vvas so prosperous vnder their consuls
 for many yeares in such sort, that wheras at
 the end of their kings gouerment, they had but
 fiftene myles territory without their cytie, it is
 knowne, that when their consuls gouerment
 ended and vvas chainged by Julius Cæsar, their
 territory reached more then fiftene thousand
 myles in cōpassē, for that they had not only al
 Europe vnder ther dominion, but the principal
 partes also of Asia and Africa, so as this chastis-
 ment

ment so iustly layd vpon their kings vvas profitable and beneficial to their common wealthe also.

Moreuer vwhen Julius Cæsar vpon particular ambition had brokē al law both humane and diuine, and taken al gouernment in to his owne hands alone, he was in reuenge hereof, slayne as the vworld knoweth, by tenatōrs in the senate-house: and Octavianus Augustus preferred in his roome, vwho proued aftervwards the most famous Emperor that euer vvas. Cæsar Au^{gustus.}

I might note here also how Nero sixt^h Empero^r of Rome vwhich succeeded lawfully his spatiān. vnckle Claudius in the Empire, and being afterward deposed and sentenccd to death by the senate for his wicked gouernment (which was the first judicial sentence that euer the senate gaue agaynst Emperor) albeit peace insued not pre-
sently, but that Galba Otho and Vitellius, three great Captaynes of the Empire made some litle enterludes of tragical killing of one the other, yet with-in few monethes the whole Empire by that meanes fel vpon Vespasian and his sonne Titus, two of the best gouernors that thos tymes euer saw. Cornel.
Tacit.lib.
20. & 21.
Egesip.l.5

The like might be noted of the noble ranck of fīue excellent good Emperors, to wit, Nerua, Traian Adrian, Antoninus Pius, and Marcus Aurclius, that ensued in the empire by the iust death of cruel Domitian, which execution the senate is thought in secret to haue procured, (being not able to performe it openly by iustice) which Eutrop.in
vita Cæsa.

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vvas seen by that, that when the act vvas done,
the senate did presently by publique decree al-
low of the same , and disanulled al his barba-
rous actes for their exceeding cruelty, and com-
maunded his armes and memories to be pulled
downe euery vwhere , and chose for his succe-
sor, one *Coccenis Nerua*, an Italian, a man of ex-
cellent vertue, by whom they enjoyed not only
the most prosperous tyme of his gouernment,
but of al thos other fower before named that
ensued him no lessc worthy then himselfe.

Not long after, the succession of thes excel-
lent good Emperors , ther came to the crowne
by lawful discent of blood , a youth named
Antoninus Heliogabulus, sonne of the Emperor
Antoninus Caracalla, and nephew to the most fa-
mous and noble Emperor *Septimius Seuerus* that
dyed in Ingland. Which youth as he vvas great-
ly loued and honored a great while for so wor-
thy a grand father: so aftervvards for his owne
most beastly life and foule actions , he was de-
priued and put to death by the souldiars of
Rome, at the request & common desire both of
the people and senate, vwhen he had reigned six
yeares, and yet vvas but twenty yeares of age,
when he vvas put downe and his death & de-
priuation was approued by publique acte of
the senate, who ordeyned also in his detestatio,
that never Emperor after him shonld be called
more Antoninus & so it was obserued, though
no other name had euer bin more grateful be-
fore, to the vworld for the remembrance of the
good

Helioga-
bolus.

An. Dñi
324.

Alius lāp.
in vita
Heliog.

good Emperors, that had bin so called.

This man being chastized as is said, ther was preferred to the Empire in his roome a goodly yong man, of his next kynred named *Alexander Seuerus*, sonne to *Mamonea* which was sister to *Heliogabolus* his mother, and being admitted by common consent, both of the senate people and army, he proued one of the most rarest Princes for his valor and vertue, that ever the roman Empire hath had, so as the worthines of *Seuerus* seemed to recōpence fully the wickednes of *Heliogabolus*.

I might name diuers other such examples & among the rest that of *Maxentius*, who being lawfully possessed of the Empire in Rome, as it seemed (for that he was sonne to *Maximinianus* the Emperor that reigned vwith *Diocletian*) yet for his tyrannous gouernment that was intollerable, it is supposed that the senate (not being able to match him in open strenght) sent pri-nily into Ingland & France, to invite *Constantin* to come, and do iustice vpon him, and so he did, and he being drowned in the riuier of Tiber *Constantin* surnamed afterward the great succeeded in the Empire, and was the man that al men know, and the first Emperor that publi-quely professed himselfe a Christian and plan-ten our faith ouer al the world & this of the romane Empyre.

And yf vve wil come lower downe, & neerer home, vve haue yet an other example, more markable perhaps then al the rest, which vvas

the change of the Empire from the East to the
 The chan-
 ge of the
 east empy-
 re. vvest, for the euel gouerment of Constantin the
 sixth, vwho was deposed first and his eyes put,
 out by his owne mother Irene, and the Empire
 vsurped by her, but being not able to rule it in
 such order as was needful, for so great a monar-
 chy (though otherwise she were one of the
 rarest women for valor and vvisdome that euer
 the world had) she vvas depriued therof by the
 sentence of Leo the third, pope of Rome, and
 by consent of al the people and senat of that ci-
 tye, and Charles king of France and of Germa-
 ny (surnamed afrrward the great) vvas crow-
 ned Emperor of the vvest, and so hath that suc-
 cession remayned vnto this day, and many wor-
 thy men haue succeded therin, & infinite actes
 of iurisdiction haue bin exercisised by this au-
 thority which were al vniust and tyrannical, if
 this change of the Empire, and deposition of
 Irene and her sonne for ther euel gouerment
 had not bin lawfyl.

It vvere to long to runne ouer al other king-
 domes, yet some I shal touch in such poynts
 as are most notorious.

The two famous chāges that haue bin made
 changes in France.
 Belfor. l. 1 of the royal lyne in France, the first from the
 race of Pharamond and Clodoueus to the lyne
 Girard. l. 3 of pepin, and the second from the race of Pepin
 Amil. l. 2 agayne to the lyne of *Hugo Capetus*, that endu-
 Clem. reth vnto this day, vvhether on are they founded,
 Baudin. en la chro- bnt vppon the judicial chastisement and deposi-
 nique des Roys de tion of two euel Princes, the first of Chil-
 France. eric the third

the third lawful king of France, who after ienn
yeares that he had reigned vvas deposed, by
Zaccharie the pope at the request of the vvhole
nobility and cleargie of France, or rather his
depriuation vvas by them, and confirmed by
the pope, to whom they alleaged this reason
for their doing in that behalfe, as Girard put-
teth it downe in both his French Cronicles, I
meane the large and the abbreviation, to vvir,
that their oth to Childeric was to honor serue Reasons
obey, maynteyne and defend him agaynst al uation.
men, as long as he vvas iust, religious, valiant,,
clement, and vwould resist the enemies of the,,
crowne, punish the wicked and conserue the,,
good, and defend the Christian fayth. And for,,
as much as thes promises (said they) vvere con-,,
dicioinal, they ought not to hold or binde lon-,,
ger, then that they were reciprocally obserued,,
on both partes, which seing they were not, on,,
the part of Childric, they would not be any,,
longer his subiects, and so desired Zacharias,,
to absoluue them, from their othes, which he,,
did, and by this meanes Childric vvas deposed,,
and put into a monastery, wher he dyed, and in,,
his place Pepin vvas chosen and crowned king,,
vvhos posteritie reygned for many years after,,
hym, and were such noble kings as al the world,,
can testifie.

And so continued this race of Pepin in the Hugo Ca-
royal throne for almost two hundred yeares pet, anno
together vntil Hugo Capetus, vvhoso was put
into the same throne by the same authority of
the com-

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the common vwealth, and Charles of Lorayne
last of the race of Pepin, for the euel satisfaction
which the French nation had of him was put
by it, and kept prisoner during his life in the
castle of Orléance. And thus much do affirme
al the French Historyes, and do attribute to thes
changes, the prosperity and greateenes of their
present kingdome and monarchy, & thus much
for France, wher many other examples might
be alleaged, as of king Lewis the third, surna-
med Faineant. For that he was vnprofitable, and
of Charles surnamed Le gros, that succeeded him
both of them deposed by the states of France,
and other the lyke, of vvhom I shall haue oc-
cation to speake afterwards, to an other pur-
pose.

Examples But now if you please, let vs stepp ouer the
of Spayne pirenie mountaines, and looke into Spayne,
vvhher ther wil not faile vs, also diuers examples
Concil both before the opression of that realme by the
Tolet. 4. moores, as also after: For that before, to wit
cap. 4. about the yeare of Christ 630. we reade of a
Ambros. lawful king named Flaueo Suintila put downe
moral. 1. 11 and depriued, bothe he and his posterity in the
cap. 17. fourth councel national of Toledo, and one
Sibinando confirmed in his place, notwithstanding
that Suintila vvere at the beginning of his
raigne a very good king, and much commen-
ded by S. Isidorus Archbisshop of Siuil, who yet
in the said councel vvas the first man that sub-
scribed to his depriuation.

After the entrance of the moores also, when
Spayne

Spayne vvas reduced agayne, to the order & go-
uernment of Spanish kings, vve read that about
the yeare of Christ 1282. one Don Alonso the
eleuenth of that name, king of Castile, & Leon, Esteuan
succeded his father Fernando surnamed the
fainct, and himselfe obteyned the surname of de Gari-
Sabio and *Astrologo* that is to say, of wise and of bay.l. 13
an Astrologer, for his excellent learning & pe-
culier skil in that arte, as may vvel appeare by
the Astronomy tables that at this day go vnder de la hist.
his name, which are the most prefect and exact de Espa.c.
that euer vvere set forth by judgment of the ^{15.}
learned.

This man, for his euel gouernment and espe- King Dom
cially for tyranny vsed towards two nephews Alonso
of his, as the spanish Chronicler *Garauay* wri- deposited.
teth, vvas deposed of his kingdome by a pu-
blique acte of parliament in the towne of Val-
liodolid, after he had reigned 30. yeares, and his
owne sonne Don Sancho the fourth, vvas crow-
ned in his place, vwho for his valiant actes, was
surnamed *el brauo*, and it turned to great com-
modity of the common wealth.

The same common vwealth of Spayne some
yeares after, to wit about the yeare of Christ
1368. having to their king one Don Pedro, sur-
named the cruel, for his iniurious proceeding
with his subiects, though, otherwise he were
lawfully seased also of the crowne, as sonne and
heyre to king Don Alonso the twelfth, and had
reygned among them 18. yeares, yet for his euel
gouernment they resolued to depose him, and so
sent for Don Pe-
dro cruel
deposed.

sent for a bastard brother of his, named Henry
that liued in France requesting him that he
would come with some force of frenchmen to
assit them, in that acte, and take the crowne
vpon him self, which he did, and by the help
of the Spaniards and Fréch souldiars, he draue
the said Peter out of Spaine, and himselfe
vvas crowned. And albeit Edward surnamed
the black Prince of Ingland, by order of his fa-
ther king Edward the third restored once a-
gayne thesaid Peter, yet vvas it not durable, for
that Henry hauing the fauour of the Spaniards
returned agayne and depriued Peter the second
tyme, and slew him in fight hand to had, which
made shew of more particular fauour of God
in this behalfe to Henry, and so he remayned
king of Spayne as doth also his progenie inioye
the same vnto this day; though by nature he
vvas a bastard as had bin said, and notwithstanding
that king Peter left two daughters vwhich
vvere led awaye into Ingland and ther maryed
to great Princes.

And this king Henry so put vp in his place
vvas called king Henry the secōd of this name,
and proued a most excellent king, and for his
great nobility in conuersation, and prouesse in
chivalry, vvas called by excellency, *El cauallero*
the kinglyk king, and for his exceeding benigni-
ty and liberality, vvas surnamed alto, *el delas
mercedes*, which is to say, the king that gaue ma-
ny giftes, or the liberal franck, and bounteful
king, which was a great change from the other
surnamed

Garibay
1.14.6.40.
41.

surnamed cruel, that king Peter had before; & so you see that alwayes I gyue you a good king in place of the bad deposid.

In Portugal also before I goe out of Spayne, In Portugall
 I wil alleage you one example more, which is gal.
 of Don Sancho the secōd, surnamed Capelo, fourth
 king of Portugal, law ful sonne and heire vnto
 Don Alonso surnamed el Gardo, who whas third
 king of Portugal. This Don Sancho, after he had King D^o
 raigned 34. yeares was depriued for his defects Sancho 2.
 in gouerment by the vniuersal consent of al deposed.
 Portugal, & this his first depriuation from al Garibay
 kingly rule and authority (leauing him only lib. 4. de
 the bare name of king) vwas approued by a ge- hst. Por-
 neral councel in Lions, pope Innocentius the tug.c. 19.
 4. being ther present, who at the petition & in-
 stace of the vvhole realme, of Portugal by their
 Embassadois the Archbisshop of Braga, bis hop
 of Combra and diuers of the nobility sent to
 Lyons for that purpose, did authorize the saide
 state of Portugal, to put in supreme gouerment
 one, Don Alonso brother to the said king Don
 Sancho, vwho was at that tyme, Earle of bullen
 in Picardy, by right of his wife, and so the Por-
 туgales did, & further also a lytle after they
 depriued their said king, and did drive him out
 of his realme into Castilla, wher he liued al the
 rest of his life in banishment, and dyed in To-
 ledo without euer returning, and this decree of
 the councel and Pope at Lyons, for authorizing Lib. 6. de-
 of this fact, is yet extant in our Canon law, in cretit. 6.
 the sixt booke of Decretals now in prynt. And de supplē
 Grand. 1. da cap.
 this king

this king *Don Alonso*, the third vvhich in this sort was put vp, against his brother was peaceably & prosperously king, of Portugal, al the dayes of his lyfe & he was a notable king, & amōg other great exployres, he vvas the first that set Portugal free from al subiection dependence and homage to the kingdome of Castile, vvhich vnto his tyme it had acknowledged and he left for his successor his sonne, and heyre, *Don Dionysio el Fabricador*, to wit the great buylder, for that he buylded and founded aboue forty and foure great townes in portugal , and was a most rare Prince and his offspring ruleth in Portugal vnto this day.

Infinite other examples could I alleage if I would examyne the lyues and discentes of these and other kingdomes with their Princes, and namely if I would speake of the Greeke Emperors, depriued for their euel gouerment, not so much by populer mutyny (which often happened among them) as by consent and graue deliberation of the whole state and wealpublicque, as *Michael Calaphates*, for that he had troden the Crosse of Christ vnder his feete , and was otherwise also a wicked man , as also the Emperor *Nicephorus Botoniates*, for his dissolute life and preferring wicked men to authority , and the like, wheroft I might name many , but it would be to longe.

What shoulde I name heere , the deposition made of Princes, in our dayes, by other commō wealthes, as in Polonia, of *Henry the third* that was last

**Garibay
in hist. de
Portug. li.
34.cab.20
& 21.**

**The Em-
perors of
Greece.**

**Glieas in
Annal.
part.4.
Zon. An-
nal co.3.
in vita
Michael
Calapha.**

**In Polo-
nia.**

was last king of France, & before that had bin
 sworne king of Polonia, of which crowne of In literis
reip. Polō.
ad Henr.
Valesium
pag. 182.
184.
 Polonia, he vvas depriued by publique acte of parliament, for his departing thence vwithout licence, and not returning at his day by the said state appoynted and deuounced by publique lettres of peremptory commaundedment, which are yet extant. Vide Ga-
gneum
part. 1. de
rebus Po-
lon.
In Suetia.

What should I name the depriuatiōns of Henry late king of Suetia, vwho being lawful successor and lawfully in possession after his father, *Gustanus* vvas yet put downe by that common vwealth and depriued, and his brother made king in his place who if you remember was in Ingland in the beginning of this Queenes Rolin. 1.
32. histor.
de Franc.
An. 1568.
 reigne, & whose sonne reygneth at this day & is king also of Polonia, and this fact was not only allowed of at home by al the states of that countrey, but also a broad, as namely of Maximilian the Emperor, and approned also by the king of Denmarke, and by al the Princes of Germany neere about that realme, who saw the resonable causes which that common wealth had to proceed as it did.

And a litle before that, the like was practised also in Denmarke agaynst *Cisternus* ther lawful king if we respect his discent in blood, for he vvas sonne to king John that reigned a fore him, and crowned in his fathers life, but yet afterwards for his intolerable cruelty, he vvas depriued and driuen into banishment, together with his vwife and three children, al vwhich

Sleydan.
1.4.bist.
An. 1532.
Munst.1.3
Cosmo-
gra. in
descript.
Danide.
Paulus Io-
uius in vi-
zis illust.

were disinherited & his vncle *Frederik Prince of Holsatia*, vvas chosen king, whos progeny yet remayneth in the crowne, & the other, though he were marryed to the sister of Charles the fifth last Emperor of that name, and vvere of kyn also to king Henry the eight of Ingland, yet could he neuer get to be restored, but passed his tyme miserably, partly in banishment and partly in prison vntil he dyed.

**Examples
of En-
gland.**

But it shalbe best perthaps to ende this narration with an example or two out of Ingland it selfe, for that no where els haue I read more markable accidents, touching this poynt, then in Ingland, and for breuity sake I shal touch only two or three happened since the cōquest, for that I wil go no higher thongh I might, as appeareth by the exāple of K. Edwin & others nether vvil I beginne to stand much vpon the King Iho example of king Iohn, though wel also I might, deposed. for that by his euel gouerment he made himselfe both so odious at home & contemptible abroade (hauing lost Normandy Gascony Guyenne, and al the rest in effect which the crowne of Ingland had in France) as fust of al he vvas both excommunicated and deposed by sentence of the pope at the sute of his owne people, and vvas inforced to make his peace by resigning his crowne into the handes of Pandulfe the popes legate as Polidor recounteth hist. Ang. and afterwards faling back agayne to his old 1.15. defects and naughtie gouerment, albeit by his An. 1212. promise to the pope, to go and make warr against

against the Turkes if he might be quiet at home, and that his kyngdome shoulde be perpetually tributary to the sea of Rome, he procured him to be of his side for a tyme, and against the Barōs : yet that stayed not them to proceed to his depriuation which they did effectuate, first at Canterbury and after at London, in the eighteenth & last yeare of king Iohns reigne, An. 1216.
 and meant also to haue disinherited his sonne Henry, which vvas afterward named king Henry the third, and at that tyme a childe of eight yeares old only: and al this in punishment of the father, yf he had liued, and for that cause they called into Ingland Lodouick the Prince of France sonne to king Philip the second, and father to Saynt Lewis the nynth, and chose him for their king and did sweare him fealtye with general consent in London the yeare of our Lord 1216. And but that the death of king Iohn that presently ensued, altered the vwhole course of that designation, and moued them to turne their purposes and accept of his sonne Henry before matters were fully establisched for king Lodowick : it vvas most likely that France and Ingland would haue bin ioyned by thes meanes vnder one crowne.

But in the end as I haue said king Henry the King HE-
 third vvas admitted and he proued a very wor-^{ry the}
 thi king after so euel as had gon before him,
 and had bin deposed (which is a circumstance
 that you must alwayes note in this narration)
 and he reigned more yeares then euer king in

England did before or after him, for he reigned full 53. yeares, & left his sonne & heyre Edward the first not inferior to himselfe in manhode & vertue vwho reigned 34. yeares and left a sonne named Edward the second, vwho falling into the same defects of gouernment or vvorste, then king John his great grandfather had donne, was after 19. yeares reigne deposed also by act of

Polyd. l.
18. hist.
Anglica-
næ. Anno
-1326.

Stovv. in
the life of
King
Edvard
the 2.

parlament holden at London the yeare 1326. & his body adiudged to perpetual prison, in which he was at that present in the castle of vvallingford, vwhether diuers both bishops Lordes & knights of the Parliament vvere sent vnto him to denounce the sentence of the realme agaynst him, to wit, how they had deprived him, and chosen Edward his sonne in his place, for vvhich act of choosing his sonne, he thanked them hartely and vwith many teares, acknowledged his owne vnwoorthines, wherupon he was digraded, his name of king first taken from him, and he appoynted to be called

The man
ner of de-
privatiō
of a king.

See Stovv.
and hol-
lings in
this mans
life.

Edward of Carnaruan from that howre forward, and then his crowne and ring were taken away, and the steward of his house brake the stafe of his office in his presence, and discharged his seruants of their seruice, and al other people of ther obedience or allegiance toward him: and towardes his mayntenance he had only a hundred markes a yeare allowed for his expences, and then was he delyuered also into the hands of certayne particuler keepers, vwho led him prisoner from thence by diuers other places vsing

using him with extreme indignity in the way, vntil at last they tooke his life from him in the castle of Barkley , and his sonne Edward the King third reigned in his place , who if we respect eyther valor, prowelte, length of reigne, acts of cheualry, or the multitude of famous Princes his children left behinde him , vvas one of the noblest kinges that euer Inglat had, though he were chosen in the place of a very euel one as you haue seen.

But vwhat shal we say? is this worthines vwhich God giueth commoly to the successors at thes changes, perpetual or certayne by discete no truly: nor the example of one Princes punishment maketh an other to beware , for the next successor after this noble Edward vwhich vvas king Richard the second, though he were not his sonne, but his sonnes sonne , to wit sonne and heyre to the excellent and renounced black Prince of vvalles, this Richard (I say) forgetting the miserable end of his great grand fa- ther for euel gouernment, as also the felicity, and virtue of his father and grand father : for the contrary, suffered himselfe to be abused and misled by euel councellors , to the great hurt & disquietnes of the realme. For vwhich cause after he had raigned 22. yeares he was also deposed, by act of parlamat holden in London, the yeare of our Lord 1399. and condemned Polyd. I. to perpetual prison in the castel of Pomfret 20. hist. Aug. 1399. vher he was soone after put to death also and vsed as the other before had bin, and in this

mānes place by free electiō was chosen for king the noble knight Henry Duke of Lācaster who proued afterwards so notable a king as the world knoweth, and vvas father to king Henry the fifth surnamed commonly the Alexander of Ingland, for that as Alexander the great conquered the most parte of Asia in the space of 9. or 10. yeares so did this Henry conquere France in lesse then the like tyme.

King H.
ry the 6.
deposed.

I might recon also in this number of Princes deposed for defect in gouermēt (though otherwise he vvere no euel man in lyfe) this king Henry the fourths nephew I meane king Henry the sixt vwho after almost forty yeares reigne vwas deposed, and imprisoned and put to death also, together vwith his sonne the Prince of wales, by Edward the fourth of the howse of yorke, & the same was confirmed by the commons and especially by the people of London, and afterwards also by publique act of parliament, in respect not only of the title which king Edward pretended, but also and especiallly for ihat king Henry did suffer himselfe to be ouerruled by the Queene his wife, and had broken the articles of agreement, made by the parliament, betwene him and the Duke of Yorke and solemnly sworē on both sides, the 8. of Octob. in the yeare 1459. In punishment vwherof and of his other negligent and euel gouermēt, (though for his owne particuler life he vvas a good man as hath bin said) sentence was giuen agaynst him, partly by force and partly by law, and

Polyd.lib.
23. histor.
Anglic.

and king Edward the fourth vvas put in his place, who was no euel king as al Inglysh men vvel know, but one of the renoumedst for martial actes and iustice that hath worne the Inglysh crowne.

But after this man agayne, ther fel an other accident much more notorious, vwhich was, that Richard Duke of Gloucester, this king Edwards yonger brother, did put to death his two nephewes, this mans children, to wit, king Edward the fift and his little brother, & made himselfe king, and albeit he synned greuously by taking vpon him the crowne in this wicked manner yet when his nephewes were once dead, he might in reason seeme to be lawful king, both in respect that he was the next male in blood after his said brother, as also for that by diuers acts of parliament, both before and after the death of thos infantes, his title vvas authorized and made good, and yet no man vil say (I thinke) but that he vvas lawfully also deposed, agayne afterward, by the cōmō wealth, which called out of France, Henry Earle of Richmond to chastise him, and to put him downe, and so he did, and tooke from him both life and kingdome in the fieldē, and vvas king himselfe after him by the name of king Henry the seventh, and no man I suppose, vil say but that he vvas lawfully king also, vwhich yet cannot be, except the other might lawfully be deposed, & moreouer as I sayd at the beginning, I woulde haue you consider in al thes mutations,

King Ri-
chard 3.
deposed.

An. 1487.

what men commonly haue succeded in the places of such as haue bin deposed , as namely in Ingland,in the place of thos five Kings before named that vvere depriued , to wit, Iohn, Edward the second,Richard the second, Henry the sixt, and Richard the third, ther haue succeeded the three Hentyes , to wit, the third , fourth, and seventh,& two Edwards, the third and fourth, al most rare & valiant Princes, who haue donne infinit important acts in their common vwealthes, and among other, haue rayfed many houses to nobility , put downe others, changed states both abroad and at home, distributed ecclesiastical dignityes, altered the course of discent in the blood royal , and the like , al which was iniust, and is voyd at this day if the chainges and depriuations of the former Princes could not be made, and consequently none of thes that do pretende the crowne of Ingland, at this day, can haue any title at al, for that from thos men they discende vwho were put vp in place of the depriued.

And this may be sufficient for prooef of the two principal poynts, which you required to be discusſed in the beginning of this spech, to wit, that lawful Princes haue oftentimes by their common wealthes bin lawfully deposed , for misgouerment, and that God hath allowed and assited the same, with good successe vnto the weal publique, and if this be so, or might be so, in kings law fully set in possession , then much more hath the said common wealth power & authority

authority to alter the succession of such as do but yet pretend to that dignity , if ther be dew reason and causes for the same , which is the head poynt that first we began to treate of saide the Civilian, and with this ended his speech vwithout saying any more.

VVHERIN CONSISTETH PRINCIPALLY THE LAVFVL- NES OF PROCEEDING AGAYNST Princes which in the former chapter is mentioned: What interest Princes haue in their subiects goods or liues, how othes doth binde or may be broken by sub- iects towards Princes, and finally the dif- ference betwene a good king and a Tirant.

CHAP. IIII.

VVHEN the Cigilian had ended his speech, the temporal lawyer looked vpon the staders by, to see whether any would reply or no , and perceauing al to hold ther peace, he began to say in this maner: Truly Syr I cannot deny, but the examples are many that you haue alleaged, and they seeme to proue sufficiently that which you affirmed, at the beginning, to wit , that the Princes by you named, were deprived , and put downe by their common vwealthes for ther euel gouernment. And good successors commonly raysed vp in their places , and that the common wealth had au-

The reply
of the te-
poral la-
wyer.

thority also to do it I do not greatly doubt, at least wise, they did it, *de facto*, and now to cal thes factes in question, were to embroyle and turne vp-side-downe al the states of Christendom, as you haue wel signified, but yet for that you haue added this wword lawfully so many tymes, in the course of your narration, I wwould you tooke the payne to tel vs also, by what law, they did the same, seing that *Belloy* whom you haue named before, and some other of his opinion do affirme, that albeit by nature the common vvealth haue authority ouer the Prince, to chuse and appoyn特 him, at the beginning, as you haue vvel proued out of Aristotle and other wwayes: yet hauing once made him, and giuen vp al their authority vnto him, he is now no more subiect to ther correction, or restraynt, but remayneth absolute of himselfe without respect to any, but only to god alone. vwhich they proue by the example of euery particuler man, that hath authority to make his Master or Prince, of his inferior, but not afterwards to put him downe agayne, or to deprive him of the authority vwhich he gaue him, though he should not beare himselfe vvel and gratefully, but discourtious rather & iniuriously towards him that gaue him first this authority.

An obiection out
of the prophet
Samuel.

To which also they do alleage the speech of the prophet *Samuel*, in the first booke of the kings, vwher the people of Israel demaunded to haue a king to gouerne ouer them, as other nations round about them had, and to leaue the go-

Belloy
apolog.
catholic.
part. 2.
paragraf.
9. & apol.
pro rege.
cap. 9.

the gouernment of the high Prieste vnder whom
at that day they were. At which demaund both
God himselfe and Samuel vvere greiuously of-
fended , and Samuel by Gods expresse order,
protested vnto them in this manner, *Wel (quoth 1. Reg. 8.
he) you wil haue a king, harken then to this that I wil
say. Hoc erit ius regis, qui imperaturus est vobis,* this
Thalbe the rght and power of the king that The Po-
vver of a
King or
rather of
a Tirant.
Shal rule ouer you,to vvit, he shal take fro you
your children both sonnes and daughters, your
fieldes & vinyards, your haruest also and rents,
your seruants, handmaydes, & heards of cattle, "
and shal giue them to his seruants and you "
shal cry vnto God in that day, from the face of "
this your king, whom you haue chosen, and "
God shal not heare you, for that you haue de- "
maunded a king to gouerne you , thus far the "
Prophet. "

Out of al vwhich discourse and spech of the
Prophet, thes men do gather, that a king is no-
thing so restrayned in his power or limited to
law as you haue affirmed , but rather that his
law is his own vvil , as by thes vvordes of the
Prophet may appeare, and much lesse may the
common vwealth chastice or depriue him for
exceeding the limites of law , or doing his vvil,
seing that here in this place , God doth foretel
that Princes oftentimes shal commit excesses
and iniuries, and yet doth he not therfore wil,
them to chasten or depose them , for the same
but rather insinuateth that they must take it
paciently, for their sinnes, and cry to God for re-
medy

medy and perseuer therin though he do not at the first harken to them, or grant their redresse, hitherto the temporal lawvyer.

Wherunto answered the Ciuilian, that he confessed that Belloy & other his companions that vvrōte in flattery of Princes in thes our dayes, did not only affirme thes things, that the temporal lawyer had alleaged, and that Princes were lawlesse and subiect to no accompt, reason, or correction, whatsocuer they did, but also (vvhich is yet more absurd and pernicious to al common vvealthes) that al goods, chattels, possessions and Whatsoeuer els commodityes temporal, of the common Wealth, are properly the kings, and that their subiects haue only the vse therof, without any propriety at al, so as When the king wil, he may take it from them by right, vwithout injustice or iniury, vvhich assertions do ouer throw wholy the very nature & substance of a common vwealth, it selfe.

For first to say that a king is subiect to no law or limitation at al, but may do vwhat he wil, is against al that I haue alleaged before of the very institution of a commō vwealth, which vvas to liue together in iustice and order, & as I shewed out of Cicero speaking of the first kings, *Iustitia fruenda causa bene morati Reges olim sunt constituti.* For enjoying of Iustice were kings appointed in old tyme that vvere of good life, but if they be boūd to no iustice at al, but must be borne and obeyed, be they neuer so wicked, then is this end and butte of the common wealth, & of al royal authority, vtterly frustrat: then

Belloy a-
polog.
part. 2. pa-
rag. 7. &c
Apol. pro-
rege c. 6.
cc 24. &c
26.

Great ab-
surdities
and flate-
ties.

Cic. lib. 2.
offic.

then may vve set vp publique murderours rauishers theeues and spoylers to deuowre vs in steed of kings, and gouernours to defend vs, for such in deede are kings that follow no law, but passion and sensualitie, and do commit iniustice, by their publique authority, & then finally, vvere al thos kings before mentioned both of the Iewes, gentiles, and christians vnlawfully depriued, and ther successors vnlawfully put vp in their places, and consequently al Princes liuing in Christianity at this day, who are descended of them, are intruders and no lawful Princes.

By the second laying also, that al temporali-
ties are properly the Princes, and that subiects
haue only the vse therof without any interest
of their owne, no lesse absurdityes do follow,
then of the former assertion, for that fist, it is
against the very fist principle and foudation
of our ciuil law, which at the fist entrance
and beginning maketh this diuision of goods,
that some are commou by nature to al men, as the ayer
the sea and the like, other are publique to al of one
city or country, but yet not common to al in general, as
riuers portes and other such: some are of the communi-
ty of a city or common wealth, but yet not common to
euery particular person of that city, as common rents,
theatours, the publique house, and the like: some are of
none nor properly of any mans goods, as churches and
sacred things, & some are proper to particular men, as
thos whiche euery man possessth of his owne, which
diuision, of Iustinian the Emperor and his most
learned

An other absurdity.
Institut. imperial l.2. Tit. 1.
Division of goods by ciuil law.

learned lavvyers is not good, if the Prince be Lord proprietarie of al : nay he that made this diuision, being Emperor , did great iniury also to himselfe, in assigning that to others, which by the opinion of Belloy and his fellowes vvas properly & truly his owne, in that he was Emperor and Lord of the vworld.

Slaves &c
freemen.

Arist. lib.
2. polit. c.
4. & s.

Arist. li. 1.
cap. 3.

Marke
this rea-
son.

Besides al this, so absurd a saying is this, as it overthroweth the whole nature of a common wealth it selfe, and maketh al subiects to be but very slaves: For that slaves and bondmen, as Aristotle sayeth in this do differ from freemen, that slaves haue only the vse of things vwithout property or interest, and cannot acquire or gett to themselues any dominion or true right in any thing, for that what soever they do gett, it accrewweth to their master , & not to the selues, and for that the condition of an oxe or an asse, is the very same in respect of a poore man, that hath no slave, for that the oxe or asse getteth nothing to himselfe, but only to his master, and can be lord of nothing of that for which he laboreth: for this cause, wittely also sayed Aristotle, that *bos aut asinus pauperi agricola pro seruo est*. An oxe or an asse, is to a poore husbandman in steed of a bondman, and so seing that Belloy wil needes haue the state and condicion of al subiects to be like vnto this in respect of their Prince , and that they haue nothing in propriety , but only the vse , and that al dominion is properly the Princes: vwhat doth the other then make al subiects not only slaves but also

but also oxen and asses, and *pecora campi*.

Last of al (for I vvil not ouerlude you vwith reasons in a matter so euident) if al subiects goods be properly the kings, why then vvas Achab and Iezabel king and Queene of Israel, so reprehended by Elias & so punished by god, for taking away *Nabothes* vineyard? seing they tooke but that vwhich was ther owne? nay why vvas not *Naboth* accused of iniquity rebellion ^{3. Reg. 21.} and treason, for that he did not yeald vp present- ly his vineyard, when his Princes, demaunded the same, seing it vvas not his, but thers? why do the kings of Ingland France and Spayne, aske moneyn of their subiects in parlaments, if they might take it as ther owne? why are thos contributions termed by the names of subsidies, helpes, benevolences, lones, prests, contributions, and the like, if al be dew and not voluntary of the subiects parte? How haue parlaments oftentymes denied to their Princes such helpes of money, as they demaunded? Why are their judges appoynted to determyne matter, of futes and pleas between the Prince and his subiects, if al be his and the subiect haue nothing of his owne? And last of al why doth the Cannon Law, which is a part also of my profession, and receaued in most countries of the vworld, so straightly inhibit al Princes vpon payne of ex- communication, to impose new impositions & taxes, vpon ther people without great consideracion and necessity, and free consent of the giuers, if al be the Princes and nothing of the subiects?

Diuers
evident
reasons
against
Belloy.

Cap. ino-
uamus 10.
de causis-
bus &c.
super qui-
busdam
26. 6. de
verborum
signif.

Subiect? nay whybe al Princes generally at this daye prohibited to alienat any thing of their owne crowne without consent of ther people, if they only be Lords of al, and the people haue interest in nothing?

The an-
swere to
the obie-
ction out
of the pro-
phet Sa-
muel.

And hereby also vve may gather, what the Prophet Samuel meant, when he threatned the Iewes with the disorders of kings, that shoulde raigne ouer them, not, that thes disorders were lawful or appertayned to a rightious king, but that seing they refused to be vnder the moderate gouernēt of their high priests, & other gouernors which God had giuen them hitherto, and required to be ruled by kings as other heathen nations of Egypt, Babilon, Syria, and Persia were, whos maner of gouernment, not only Historiographers, but Philosophers also, and Aristotle among the rest, doth note to have bin very tyranical: yet for that the Iewes would needs haue that gouernment as a matter of more pompe and glory then that which hitherto they had had, Samuel did first insinuate vnto them, what extorsion and wickednes thos heathen kings did vse commonly ouer ther people, in taking their childrē, seruants, wiues, goods, and the like from them, and that many kings of Israel shoulde do the like, and take it for ther right and souerainty, and shoulde oppresse and tyranise ouer them, and inforce them to cry out to God for helpe, and they shoulde not find remedy, for that so heddyly they had demaunded this change of gouernment, which highly

Arist. I. 5.

pol. c. II.

Ioseph. I. 6

antiq. c. 4.

highly displeised almighty God, and this is the true meaning of that place, if it be vvel considered, and not to authorize hereby iniustice or wickednes in any king, seing the principal poynts recorded to al Princes & kings through out the whole course of scripture, are *diligere iudicium & iustitiam, apprehendere disciplinam. & facere veritatem*, that is to saye to loue iudgment and iustice to admit discipline & to execute truth, and this is the instruction that God gaue to the Iewes in *Deutronomy* for their kings when they should haue them, which God foretould many yeares before they had any, and this is the admonition that king Dauid left vnto his sonne and successor *Salomon*, at his death, and by him to al other kings and Princes, and for want of obseruing thes points of *judgment, iustice, discipline, & truth*. vve see not only *Achab* and *Iezabel*. Before mentioned greuiously punished, but many other kings also by God himselfe, as *Achaz* *Manasses*, *Ioachim*, and the like, which had not bin iustice on Gods part so to punish them if it had bin law ful for them to vse that manner of proceeding towards their people, as thes good instructors of Princes in our dayes, most fondly and wickedly do affirme, and thus much for that place.

But to the first point which you asked, by what law the common wealthes that are mentioned in the former chapters, did punish their euell Priuces: I haue answered you before, that it is by al law both diuine and humane: diuine, By what law
Princes are punished

for that God doth approue that forme of gouerment which euery common vvealth doth chuse vnto it selfe, as also the conditions, statutes and limitations vwhich it selfe shal appoynt vnto her Princes, as largely before hath been declared. And by al humane law also: for that al law both natural, national, and positive, doth teach vs, that Princes are subiect to law & order, and that the common vvealth which gaue them ther authority for the commō good of al, may also restrayne or take the same away agayne, if they abuse it to the common euel.

The difference betwene a priuat man & a common vvealth. And vvheras thes men saye, that like as if a priuat man shoulde make his inferior or equal to be his Prince, he could not after restrayne the same agayne, and so nether the commō wealth hauing once deliuert away her authority: I answere, first, that the comparison is not altogether like, for that a priuat man though he giue his voice to make a Prince, yet he being but one maketh not the Prince vvholy as the common vvealth doth, and therfore no mannaile though it lye not in a particular mans had to vnmake him agayne, besides this, a priuat man hauing giuen his voice to make his Prince, remayneth subiect and inferior to the same, but the vvhole body though it be gouerned by the Prince as by the head, yet is in not inferior but superior to the Prince, nether so giueth the common vvealth her authority and power vp to any Prince, that she depriueth her selfe vtterly of the same, vwhen neede shall require, to vse it

vse it for her defence, for vwhich shee gaue it.

And finally (which is the cheefest reason of al, & the very ground and fonndation in deede of al kings authority among christians) the power and anthority vvhich the Prince hath from the common wealth is in very truth, not absolute, but *potes tas vicaria or deligata*, as vve Ciui- The Prin-
ces autho-
rity but
subdele-
gat. lians cal it, that is to say, a power delegate, or power by commissiō from the cominō wealth, which is giuen vvith such restrictions cautels and conditions, yea , vvith such playne exceptions, promises , and othes of both parties, (I meane betwene the king and common wealth at the day of his admission or coronation) as if the same be not kept, but vvilfully broken , on ether part, then is the other not bounde to obserue his promise nether, though neuer so solemnly made or sworne, for that in al bargaines, agreements and contract̄s , wher one parte is bound mutually and reciprocally to the other, by oth,vow,or condition, ther, if one side go from his promise, the other stādeth not obliged to performe his: and this is so notorious by al law,both of nature and nations, and so cōform to al reason and equity, that it is put among the very rules of both the Ciuil and cannon law, vher it is said , *frustra fidem sibi quis postulat seruari ab eo, cui fidem à se prestitam seruare recusat.* He doth in vaine require promisse to be kept vnto him at an other mans hands,to vvhom he refuseth to performe that which himselfe promised, and agayne. *Non abstringitur quis iuramen-* In regulis
vtrinque
iuris vide
in fine
scxi De-
cret. reg.
75. 69.

to ad implendum quod iuravit, si ab alio parte non impletur, curius respectu præbuit iuramentum. A man is not bound to performe that vvhich by oth he promised, if on the other part, that be not performed, in respect wherof this oth vvas made: as for example, if two shold sweare the one to assist the other vpon the way, in al respects, & after falling vpon enimyes that vvere either kynn or frēds to the one of them, & he shold take ther part against his fellow, cleere it is, that the other vvere not bound to kepe his oth to vwards that party, that hath so vvickedly brokēn it to him.

Nay not only, in this case, that is so euident, and palpable by nature it selte: but in many other also, is it both lawful honest and conuenient, to leaue some tymes the performance of our oth, as namely vwhen the fulfilling therof, shold conteyne any notable hurt or inconuenience against religion, piety, justice, honesty, or the vveal publique, or against the party himselfe to whom it vvas made, as if a man had sworne to restore a sword to a madd or furious man, wher withit vvere likely he would destroy hymselfe and others, and other like cases, which Cicero putteth downe in his first booke of offices, and deduceth them from the very ground of nature, and reason it selfe, & sayeth, that it were contrary to the dewty of a good or honest man, in such cases to performe his promise.

Our diuines also do alledge the example of Herod

vwhen
an oth
bindeth
not.

Cicero li.
1. offic.

A cleere
example.

Herod that had sworne to the daughter of Herodias, to give her what she demaunded, whereupon demanding the head of S. John Baptist, though Herod were sory for the same, yet sayeth the text, *that for his othes sake he commaunded it to be performed*, which yet no man wil deny, but that it had bin far better left unperformed, and the othe better broken then fulfilled, according to an other rule of the law, which sayeth, *In malis promissis fidem non expedit obseruari*, it is not expedient to keepe our promise in things euell promised.

And finally to this purpose, to wit, to determine how many wayes an oth taken may be lawfully broken, or not kept, ther is a vvhole title in the Cannon law, conteyning 36. chapters, wherin are set downe many and divers most excellent, and evident cases, about the same determined by Gregorie the first, & other ancient Popes and Doctors, and in the second parte of the decretal ther is alleaged this sentence out of *Isidorus*, and established for law. *In malis promissis rescinde fidem, in turpi voto muta dereratum, impi a enim promissio, quæ scelere impletur, that is, in euell promises performe not your vvorde, in an vnlawful vow or oth, change your determination, for it is an impious promise, vvhich cannot be fulfilled, but with wickednes, and the very same matter is handled in the question following which is the fyfth through-out 23. whole chapters together.*

So as, nothing is more largely handled in

Matth. 24

Regul 68.

in fine 6.
Decret.

Decret.

Greg. l. 2.
tit. 24.Decret.
part. 2. cau
sa. 22.
quest. 4. c.
5. & qu 5.
per totū.

our law both Civil and Canon, then this matter of promises, and othes, how and vwhen, and why, and in vwhat cases, they hould or bynde,

**Tvvo prin
cipal cases
vwhen
othes
hold not
towards
a Prince.** and when not. Al which to apply it now vnto our matter of kings, that we haue in hande, we are to vnderstande that tvvo euident cases are touched heer as you see, when a subiects oth or promise of obedience, may be left vnperforned towards his Prince: the first whē the Prince obserueth not at al his promise and oth made to the common wealth, at his admission or coronation, & the other when it shoulde turne to the notable damage of the weale publique, (for whos only good the Princes office vvas or deyned, as often before hath bin said and proued) if the subiect shoulde keepe and performe his oth and promise made vnto his Prince.

And both thes cases are touched in the depriuation of Childerike the last king of France, of the first lyne of Pharamond, which was re-

counted in the former chapter, for that as *Paulus A Emilius, Belforest, Girard,* and other French

**A mil. l. 2.
hit. Frac.
Belfer in
vita chil-
der Gi-
rard lib. 3.** stories do testify, the bishop of vvitburg, that in the name of al the nobility and common wealth of France, made his speech to Zacharie the pope, for his deposition, and for the election of Pepin in his place, alleaged thes two reasons

saying.

**The speech
of the
French
Embassa-
priuation
of their
king.** Truth it is, that the French haue sworne fidelity vnto Childerick, as to ther true and natural king, but yet vwith condition, that he on his part, shoulde also performe the points that are in-

are incident to his office, which are, to defend,,
the common vwealth, protect the church of,,
christ, resist the vvicked, aduance the good and,,
the like: and if he do this, then the French are,,
redy to cōtine ther obedience and allegiance,,
vnto him: but if he be apt for none of thes,,
things, nether fit, ether for a Captaine in vware,,
or for a head in peace, and if nothing els may be,,
expected whiles he is king, but detriment to the,,
state, ignominy to the nation , danger to chri-,,
stian religion, and destruction to the vveal pu-,,
blique: then it is law ful for you no doubt (most,,
holy father) to deliuer the French from this,,
band of their oth, & to testifie that no promise,,
can bynd this natiō in particular, to that which,,
may be hurtful to al christendom ingeneral.,,
Thus far that bis hop, & his spech vvas allowed
& Childerick deposed, and Pepin made king in
his place as the world knoweth.

By this theē you see, said the Ciuilian lawyer, The con-
the ground wheron dependeth the rightious & clusion:
lawful deposition and chastisment of vvicked hovv and
Princes, to wit ther sayling in ther oth & pro- vvhēn
mises, which they made at ther first entrance, o:hes do
that they would rule and gouerne iustly, accor- not byn-
ding to law, conscience, equity , and religion, de sub-
wherin when they fayle , or wilfully decline, iestes.
casting behind them al respect of obligation &
dewty to the end for vwhich they vvere made
Princes and aduanced in dignity aboue the rest,
then is the common wealth not only free from
al oths made by her of obedience or allegiance

to such vnworthy Princes , but is bound moreouer for sauing the vvhole body , to resist chasten and remoue such euel heades , if she be able, for that otherwise al vvould come to distruption , ruyne , and pnblique desolation.

The dif-
ference be-
twene a
King & a
tyrant.

Plat. dial.
1 de re-
pub.
Arist.li.2.
Pol.c.5.

Bart.li.de
tyranni-
de

And heere now come in , al thos cōsideratiōs vwhich old philosophers , lawmakers , and such others as haue treated of common vwealthes , are vvont to lay downe , of the difference and contrariety betwene a king and a tyrant , for that a king (as both Plato and Aristotle do declare) vvhe once he declyneth from his dewty , becommeth a tyrant , that is to say , of the best and most soueraine thing vpon earth , the worst and most huit-ful creature vnder heaven for that as the end & office of a king is to make happy his commō vwealth , so the butt of a ty-
rāt is to destroy the same . And finally the whole difference is reduced to the principal head that before I haue mentioned , to wit , that a king ruleth according to equity , oth , conscience , justice , and law prescribed vnto him : and the other is enemy to al thes cōditions , wherof if you wil read many more particulers & signes to know a tyrant by , I wil remit you to a spe-
cial booke set forth of this matter , by one Bartolus father (as yow know) of our Civil law , wher the matter is hādled largely , as also how lawful and commendable it is to resist any ty-
rant , and finally he concludeth vwith Cicero in his bookes *de legibus* , vwher he sayeth , *vt po-
pula*

pulo magistratus, ita magistratui presunt leges. A Cicero. li.
good Prince or Magistrate maketh his accōpt, ^{3. de legi-}
bus.
that as he is ouer the people, so lawes are ouer
him, and a tyrant the contrary. And greatly is Cod. I. r.
commended the saying of *Theodosius* and *Valen-*
^{tit. 14. §.}
tinian, two worthy Emperors, recorded in our
civill law vvhō sayd: *Digna vox est maiestate regnā-*
tis. legibus se alligatum fateri. It is a spech worthy
of the maiesty of him that reaigneth, to confessē
that he is bound vnto the lawes, and the con-
trary saying of the Tyrant *Caius Caligna*, is iustly
detested by al writers, vvhō said vnto one as
Suetonius reporteth. *Memento mihi omnia & in* Suet. c. 23
omnes licere. remember, that al things are lawful ^{in Calig.}
vnto me and against al men without exception.
The laying alto of the famous Emperor Tra- Zō. tom. 2
ian deserueth immortal memory and commen- in Trajan.
dation, vvhō vwhen he deliuered the sword to a
pretor or gouernour of Rome, to do iustice,
he added thes wordes, *Take this sword, and if I*
do reigne iustly, vse it for me, and if not, then vse it
against me. Which in effect and substance are
the very same vvordes which our christian
Princes at this day do vse at their entrance and
coronations, when they promise and sweare to
rule iustly, and according to the lawes statutes,
and ordinances of their countrey, and vpon
that condicion do take the othes of their sub-
iects obedience, protesting ther vwith-al, *that*
if they performe not this, that then their subiects are free Se in the
as before from al allegiance, and then may the com- capter fol
mon wealth as also the very officers themsel- lovning.]

ues of such a king, vse ther sword against him, vvhoso gaue it to them, for the publique good, if neede so require, as Traian commaunded.

The
speak
of
a Sol-
dier.

It vvas truly the vword of a noble Prince said a certaine Captaine of the company ther present , and rightly deserued he to be vvel obeyed, vwho gaue so liberal and iust a commission to be disobeyed : but for that you said, they that are Princes now a dayes do the like in effect at their admission to gouernment and at ther coronations: I vvould be glad to heare vwhat they say or sweare at this their entrance, for certaine I am that afterwards I find very few Princes , that are contented to haue this point put in execucion, I meane to be disobeyed vwhatsoeuer they do,or howsoeuer they liue: and moreouer I say, that what soeuer you lawyers sit and talke of, Princes right in your studies, yet I finde no way but hanging for a man of my profession , if he shal disobey the vvorst Prince that liueth, & you lawyers vvilbe the first that shal giue sentence against him, if he chance to come before you in iudgment.

True it is, said the Ciuilian , vvhether martial authority taketh place , ther no question of right auailable to be disputed,& if a lavyver or any other man els, be in feare or danger of his owne life, he vvil rather giue sentence against an other, then receave it against himselfe, but vve talke not here what men may be driuen to do by feare or force of euell Princes , but vwhat in right equity , and good conscience may be done:

done: and this not so much by priuate or particular men (vvhho may not be ouer busie in examining Princes rights, or vvhether they per-forme their duetyes or no) as by the commona wealth,vppon vrgent necessity and dew delibe-ration had , against euel Princes , that breake openly their othes and promises made at their first entrance,vvhich promises for that you are desirous to vnderstand them , I am content to passe ouer also vnto this point , and so much the rather,for that it maketh much to the pur-pose vve haue in hand, or rather it is, the very true ground in deede both of al lawful gouernment and subiection, among christian people. For that by this oth, both the Prince and sub-iect do come to know and agree vppon their duetyes and obligations the one towards the other, as also both of thē, towards god & their natvie countrey. But for that this morning seemeth now much spent, and my stomack tel-leth me that our dinner cannot be far af, let vs defer this matter if you please vntil after noone, at what tyme,we shal crowne a king betweene vs here, with much more facility vvhen vve shal haue lesse occasions of hungar to distract our cogitations.

OF THE

OF THE CORONA-
TION OF PRINCES AND
MANNER OF THEIR ADMISSION
*to their authority, and the othes whiche they
do make in the same vnto the com-
mon wealth, for their good
gouernement.*

C A P. V.

The first
grounde
ofлавves
& lymits
to Prin-
ces.

DINNER being ended, the Ciuilian lawyer began to prosecute the matter propounded in the end of the former chapter, concerning othes and promises made by Princes at their first admission to gouernment, vtherin first he declared that for as much as not nature, but the election and consent of the people, had made their first Princes from the beginning of the world, as largely before and often had bin demonstrated: most certaine it appered, and conforme to al reason, that they were not preferred to this eminent power and dignity ouer others, without some conditions and promises made also on their parts, for vsing vvel this supreme authority given vnto them: seing it is not likely (quoth he) that any people would euer yeeld to put their liues, goodes, and liberties in the handes of an other, without some promise and assurance of justice and equity to be vsed towards them, and hereof he said it came to passe, that bothe the Romans and Grecians to their ancient kings prescribed

prescribed those lawes and limites, which before haue bin specified.

And in euery common wealth the more orderly the Prince commeth to his crowne and dignity, the moie expresse and certaine haue bin euer thes conditions and agremens betweene him and the people, as on the other side the more violently the Prince getteth his authority or by tyranny and disorder, as thos ancient and first tyrantes of *Assyria* to wit *Nemrod*, *Belus*, and the like, that by meere force and guyle gat rule ouer others, and the old kings of *Egypt* and *Babilon*, and thos of the Roman Emperors that by violence of souldiars only gat into the Royal seate, and al such as at this day do get by force to reigne among the Turkes. Amōg thes (I say) it is no maruaile, though few cōditions of iust dealing may be expected, though Idoubt not but yet to ther followvers and aduancers, thes men also do make large promises of good gouernment, at the begining, as al ambitious men are vwant to do, though vwith little intention of performance.

But in al good and vvel ordered common weathes wher matters passe by reason, conscience, vvidom and consultation, and especially since christian religion hath preuailed, & giuen perfeccion to that natural light, vvhich morall good men had before in matters of gouernment: since that tyme (I say) this point of mutual and reciprocal othes betvveene Princes and subiects, at the day of ther coronation or admission

Entrance
of tyrants
into their
gouver-
ment.

The rites
of admit-
ting chri-
stian Kin-
ges.

admission (for al are not crowned) haue bin
mch more established, made cleare and put in
vre. And this forme of agreement and conuen-
tion, betwene the commen vwealth and their
christian head or king, hath bin reduced to a
more sacred and religious kinde of vnion and
concord, then before, for that the vwhole actio
hath bin donn by Bishopes and ecclesiastical
Prelats, and the astipulation and promises made
on both sides, haue passed and bin giuen, recea-
ued and regestred vwith great reuerence in sa-
cred places, and with great solemnity of reli-
gious ceremonies, vwhich before vvere not so
much vsed, though alvvayes ther weare some.
And therfore our examples at this tyme shalbe
only of christian common vwealthes, for that
they are more peculiarly to our purpose as you
wil confesse.

The man
ner of ad-
mitting
Greeke
Emperors
at their co-
ronation.

First then to begin vwith the East or Greeke
Emperors of Constantinople as the most an-
cient among other, for that after the Empire
once translated from Rome to Constantinople,
by our Constantine the great, and the first Chri-
stian Emperor that euer did publicuely shew
himselfe for such, thes Greeke Emperors were
the most eminent Princes of al christianity,
among vwhom I do finde that albeit ther com-
ming to the crowne were nothing so orderly,
for the most part as at this day it is vsed, but
many tymes the meanes therof vvere turbulēt
and seditious, yet find I (as I saye) that aboue a
thousand yeares gone, they vvere wont to haue
an oth

an oþer exacted at their handes, by the patriarch of Constantinople, vvhō was their chiefe Prelate, for thus writeth Zonaras of the coronation of *Anastatius* the first, that succeeded Zeno, about the yeare of Christ 524. *Antequam coronaretur, Zonar.*
fidei confessionem scriptam, qua polliceretur, se in dog-^{tom. 3.}
matibus Ecclesiasticis nihil esse nouaturum, ab eo exegit
patriarcha Euphemius vir sanctus & orthodoxus. The
 Patriarch Euphemius being a holy and catholique man, required of *Anastatius* elected Emperor, before he was crowned a confession in writing, wherin he shold promisse to change or innouate nothing in matters perteyning to the doctrine of the churche thus much Zonaras,
 & the same haue Nicephorus Euagrius & others.

And not only this, but diuels other conditions also, doth the same author insinuate, that this *Anastatius* promised at his corouation, before he could be crowned, as among other things, the taking away of certaine tributs and impositions, the giuing of offices without money, and other like points, appertayning to reformation and good gouerment, vvhich he performed for a tyme, in the beginning of his gouerment, but after fel into the heresies of the Eutichians, & banished this same good Patriach Euphemius, that had crowned him, & he thriued therafter, for that he vvas slayne by a thunder bolt from heauē, after he had reigned 27. yeares, and vvas accompted for a very wicked man, by al vwriters, for that he had broken (as they said) the conditions, *quas graui iuramento*

Annal. in
vita Ana-
st. Niceph. I.
Euagt. I. 2.
cap. 32.

86 A Conference touching succession
mento scriptis relato confirmasset. That is to say, the
conditions which he had confirmed & auowed
Vbi supr. with a graue oth as sayeth Euagrius.

The Gre-
cian Em-
perors
oth.
Zon. T5.
3.in vita
Mich.
An. 820.
The like, I read about 300. yeares after, re-
corded by the same author of the Emperor
Michael the first, in thes wordes. Michael vbi di-
luxit, magnam ecclesiam ingressus, à Patriarcha Nice-
phoro imperatorio diadematè est ornatus, postulato
prius scripto, quo promitteret, se nulla ecclesiæ instituta
violaturum, neque christianorum sanguine manus con-
taminaturum. Which is, Michel new chosen
Emperor, came early in the morning into the
great church of Constantinople, and vvas
crowned ther with the Emperial crowne by
the handes of Nicephorus the Patriach, but yet so,
as hs was first required to swear and promise by
writing, that he would not violate the ordinā-
ces of the church, nor contaminat his hands
with christian blood, which in effect is as much
to say, as that he shold reigne godly & iustly,
and many other such examples might be allea-
ged, but by this it is easy to see, what vvas the
fassion of admitting and crowning thos gre-
cian Emperors by their Patriarkes, in the name
of al the common wealth, which common
wealth was not satisfied with an oth except,
also it were set downe in vwriting.

And if we passe to the latine & west empyre
which about this vety tyme was restored by
Zacharie the pope, and by the whole common
wealth of Rome (as before hath bin shewed
and was giuen to Charles the great and his
posterity)

posterior) vve shal fynd that this point is more settled and more in-violably kept yet in this empyre, the in the oþer, for albeit that this emپire of the west vvent by succession for the most part at the begining, vntil afterwards it vvas appointed by Pope Gregory the fifth to passe by the election of certaine Princes in Germanie, that now enjoy that priueledge to be elecþors: yet shal vve see alwaies, that they euen before this cõstitution, when this dignity went by succession, were never admitted to the same, vwithout this circumstance of swearing to conditions of righteous gþouernment: the forme and manner of which admission, for that I find it set downe more perfectly and particularly in the coronation of Oþo the first, then of any other Emperor, and that by many authors, and that this Oþo was sonne and heyre vnto the famous Emperor Henry the first of that name, Duke of Saxonie, surnamed the faulkner, for the great delight he had in the flght of faucons, for thes causes I meane to begin with the coronation of this man before any other.

This Oþo then sonne (as I haue said) to Henry the first, though being his eldest sonne, he vvere also his heyre, and so named by Henry him self to the inheritance of the said crowne of Germany: yet was he not admitted thervnto vntil he had made his oþ, and receaued his new approbation, by the people, for so the story saith that the Archbishop of Moguntia (who is the chief primate of al Germany)

Saxo.
Gram. li.
10.
Cranzius
lib. 3. metrop. c. 12.

The
crowing
of Oþo
the first.

bringing him to the aulter wher he must swear, said thes vvords vnto the people. Behold I bring you heare Otho, chosen by God & appointed out by his father Henry our Lord, and now made king by al the Princes of this empire, if this election please you, do you signifie the same by houlding vp your handes to heauen. Thus far are the vvordes of the historiographer, and then he addeth that al held vp their handes, and that theruppon the said archbishop, turned about to the aulter vher lay al the oruaments and ensignes of the empyre, as the sword vwith the girdle, the cloke vwith the bracelet, the staf vwith the scepter, and dia-deme, euery one wheroft the archbishop put vp-pon the Emperor, telling him the signification of ech thing, and vwhat it did bynd him vnto: as for example vwhen he put the svvord about him he said, *accipe hunc gladium quo iicias omnes Christi aduersarios & malos christianos, autoritate diuina per Episcopos tibi tradita.* Which is, take vnto thee this svvord vherby thow mayst cast out and driue away al the enimies of Christ, whe-ther they be barbarous infidels, or euel chri-stians, and this by the authority of God deliue-red vnto thee by vs that are bishops.

And thus he did vwith al other ornaments and ensignes, telling the signification and obli-gation of euery one, and taking the Emperors promise to performe al.

And after al, the historiographer concludeth thus. *Rex perfusus oleo sancto, coronatur diadematice aureo, ab Episcopis, & ab eisdem ad solium regale du-citur*

VVhit-chindus
gest.
Saxon.
lib. 1.

Ensignes
of the
empire.

VViti-
chin 1.2.

Vbi su-
pra.

citur & in eō colocatur. That is, the king being anointed vwith holy oyle was crowned by the bishops, and by the same vwas brought to the royal seat and therin placed. This happened about the yeare of christ 940. and the ceremony is recounted more amply in this mans corona-
tion, then in any other, both for that he was a very noble Prince, and the very first of the Germain nation, that vwas lawfully and orderly preferred to the imperial seat, after that it passed from the children of Charles the great, and ther be diuers points worthy the noting in this example, and among other that albeit he were lawful king and Emperor by succession, as also by appointment of his father: yet was he chosen and admitted againe by the Princes and people, & that he swore to fulfil al those pointes and condicions, which the signification of the Emperial ornaments did bynd him vnto.

After this, about 60. yeares or more, Pope Gregory the 5. in a synode holden in Rome, did by the consent of Otho the third Emperor, and nephew vnto this other Otho, of vvhom we haue now treated, appoint a certaine forme of electiō for the tyme to come of the German Emperor, to wit, that he should be chosen by six Princes of Germany, three ecclesiastical which are the archbisshopes of *Moguntia*, *Colen*, & *Treuires*, & three temporal Lords, to vvit, the Duke of Saxony, the Counte Palatyne of Rhene, and the Marques of Brandeburge, and vwhen thes six voices should happen to be

Election.

German
Electors.Blend.de-
cad. 2 li. 3
Crant. I. 4.
cap. 25.

equally deuided, then that the Duke of Boemia (for then it was no kingdom) should haue place also to determinyne the election. Al which was determined in the yeare of Christ 996. in Rome, and approued afterward by al the Princes of Germany, and allowed by al other Christian Princes, and states of the vworld, and so endureth vnto this day. And among al other points this of his coronation and his oth to be taken for his wel gouernment, vvas and is most exactly set downe, & recorded by many historiographers of that tyme, and since: But I shal alleage them only out of Iohn Sleydan, as the histor.

Sleyd. li.

An. 1519. most conuenient author for this our tyme and purpose.

The man
ner of the
Emperors
coronatio
at this
day.

First of al then he writeth, that after any manner is chosen Emperor, he is to be called only Cæsar and the king of the Romans, and not Emperor, vntil he be crowned, and the conditions which he sweareth vnto presently after his election, Are, to defend the christian and catholique religion, to defend the pope and church of Rome, Whose aduocat he is, to minister iustice equally to al, to follow peace, to kepe and obserue all lawes rightes and priuileges of the Empyre, not to alienate or engage the possessions of the empyre, to cōdemne no man without hearing his cause, but to suffer the course of law to haue his place, in al and whatsoeuer he shal do otherwise, that it be void and of no Validitie at al.

Vnto al thes articles, he sweareth first by his legates & then he gineth a copy of his othe in vwriting to euery one of the six electors, and after

Sleyd. vbi
supra.

after this he goeth to the cytie of Aquis-gran to be crowned in the great church, vvhether about the midle of the masse, the archbishop of Colen goeth vnto him in the presence of al the people, and as keth, whether he be redy to sweare and promise to obserue the catholick religio, defend the church, minister justice, protect the widowes and faterles, and yeald dutiful honor and obedience to the pope of Rome, wherunto he answering that he is redy to do al this, the Archbisshop leadeth him to the highaulter wher he sweareth in expresse vwords, al thes articles, vvhich being done, the said archbisshop turning himselfe to the Princes of the Empyre and people ther present doib aske them, whether they be content to sweare obedience and fealtie vnto him, who answering yea, he is annoyned by the said archbisshop before the aulter, and then do come the other tvvo Archbishops of Moguntia and Treueris, and do lead him into the vestery, vvhier certaine deacons are redy to apparrel him in his robes, and do set him in a chayre, vppon vvhom the Archbisshop of Colen saith certaine prayers, and then deliuereith him a sword drawne, and putteth a ring vppon his finger, and giueth him a scepter in his hand, & then al the three Archbisshops together, do put on the crowne vppon his head, and leading him so crowned and appareled vnto the highaulter againe, he sweareth the second tyme, that he wil do the part of a good christian and Catholick Emperor. Which being ended he is brought back and placed in the emperial seat & throne,

Interro-gatories
to the
Emperor.

Emperial
ornaments.

Second
oth.

vvhер al the Princes of the empyre do s̄weare
obedience and fayth vnto him, begining vwith
the three Archbishops, and continuing on
vwith the three other electors, and so al the rest
in order vwhich is a notable and magestical
manner of admitting and authorizing of a
Prince as you see, and it is to be marked among
other things, ihat the emperor sweareth three
tymes, once by his deputies and twise by him-
selfe, before his subiects sweare once vnto him,
and yet wil Belloy as you haue hard, needs haue
subiects only bound to their Princes, and the
Prince nothing at al bound to them againe.

To be
noted.

The man-
ner of co-
ronation
in Polo-
nia.

In Polonia, which being first a Dukedom
was made a kingdome, abouete the same tyme
that this forme of electing of the German Em-
peror vvas prescribed, the manner of coronatio
of their kings, is in substance the very same, that
we haue declared to be of the Emperor. For first
of al, the Archbishop of Guesua metropolitā of
al Polonia, commeth to the king standing be-
fore the high aualter, and sayeth vnto him thes-

Alex Gua
guinrerū
Polon.
Tom. I.
& Oriocho
in Chi-
mer. fol.
90. & 106

wordes. VVheras you are right noble Prince to receaue
at our handes this day Who are (though vnworthily)
in place of Christ for execusion of this function, the sa-
cred annoyting and other ceremonies, ensignes, and
ornaments apperteyning to the kinges of this land, it
shalbe wel that we admonish yon in a few wordes,
what the charge importeth whiche you are to take vp-
pon you, &c.

Thus he beginneth, and after this, he decla-
reth vnto him for what end he is made king,
vvhat

what the obligation of that place and dignity byndeth him vnto , and vnto vwhat points he must sweare, what do signifie the sword , the ring, the sceptor, and the crowne that he is to receaue, and at the deliuery of each of thes things he maketh both a short exhortation vnto him, and prayer vnto God for him. And the kings oth is in thes words. *Promitto coram Deo & angelis eius,* I do promise and sweare before God and his angels, that I wil do law and iustice to al , and kepe the peace of christ his , Churche and the vniō of his catholique fayth, , and wil do and cause to be done dew and cano- , nical honor vnto the bishops of this land, and , to the rest of the cleargie, and if (which God for , bid) I shold break my oth, I am content that the inhabitants of this kingdome, shal owe no Bodin de rep. l. 2. c. 9. duty or obedience vnto me as God shal help , me and Gods holy ghospelles. ,

After this oth made by the king , and recea- ued by the subiects, the Lord Martial general of the whole kingdome, doth aske vwith a loud voice of al the councellors, nobility, & people ther present, whether they be content to submit them-selues vnto, this king or no . Who answering yea: the archbishop doth ende the residue of the ce- remonies, & doth place him in the royal throne, wher al his subiects do homage vnto him, and this for Polonia.

In Spayne I do find, that the manner of ad- The ad- mitting ther kings was different, and not the missio of same before and after the destruction therof kings in Spaine.

by the Moores, but yet that in both tymes ther kings did sweare in effect the selfe same points vwhich before haue bin mentioned in other kingdomes. For first, before the entring of the Moores when Spayne remayned yet one general monatchie, vnder the Gothes, it is recorded in the fourth national coucel of Toledo which vvas holden the yeare of our Lord 633. accor-

Amb. Mo
rales li. 11.
c. 17. hist.
Hisp. præ-
fat. eius.
dem con-
cilij.

ding to *Ambrosio Morales*, the most learned & di-
ligēt historiographer of Spayne, (though other
do appoint it some few yeares after) in this
council (I say) it is said, that their new king

The hu-
militie of
King Sif-
finandus.

Sissmandus (who had expelled *Suintila* ther for-
mer king for his euel gouerment). This king
Sissinandus I saye comming into the said coun-
cel in the third yeare of his reigne, accompa-
nied with a most magnificent number of no-
bles, that waighted on him, did fal downe
prostrate vpon the ground, before the Arch-
bishops, and bishops ther gathered together,
which vvere 70. in number, and desired them
vwith teares to pray for him, and to determine
in that councel, that which shoulde be needful
and most conuenient both for mainteyning of
Gods religion, and also for vpholding and pro-
spering the whole common wealth: wheruppō
. thos fathers after matters of religion and re-
formation of manners, vwhich they handled in
73. chapters. In the end and last chapter, they
come to handle matters of estate also. And first
of al they do confirme the deposition of king
Suintila together with his wife brother, and
children,

children, and al for his great wickednes, which in the councel is recounted, and they do deprive them not only of al title to the crowne, but also of al other goods, and possessions, mouables & immouables, sauing only that vvhich the new kings mercy shoulde bestow vpon them, and in this councel was present and subscribed first of al other, *S. Isidorus* Archbisshop of *Simil*, who writing his history of spayne dedicated the same vnto this king *Sissinandus*, and speaketh infinite good in the same, of the vertues of king *Sintila*, that was now deposed and condemned in this laid councel, wheby it is to presumed, that he had changed much his life afterward, and became so wicked a man, as here is reported.

Ambros.
Moral. I. ix.
cap. 17.

After this, the councel confirmeth the title of *Sissinandus*, and maketh decrees for the defence therof, but yet insinuateth vwhat points he was bound vnto, and wherunto he had sworne when they laid vnto him, *Te quoque præ-sentem regem ac futuros etatum sequentium principes, &c.* We do require you, that are our present king, and al other our Princes that shal follow here after vwith the humility which is conuenient, that you be meeke & moderate towards your subiects, and that you governe your people in iustice and piety, and that none of you do giue sentence alone against any man in cause, of life and death, but with the consent of your publique councel, and with thos that be gouernours in maiters of iudgment. And, against al kings that are to come, we do pro-

H 5 mulgate

mulgate this sentence, that if any of them shal against the reuerence of our lawes, excercise cruel authority with proud domination, and kingly pompe, only following ther owne concupiscence in wickednes, that they are condemned by Christ with the sentence of excommunication, and haue theyr separation both from him and vs to euerlasting iudgment, and this much of that councel.

But in the next two yeares after the ende of this councel, king *Sifinandus* being now dead and one *Chintilla* made king in his place, ther were other two councels gathered in *Toledo*, the first vwheroft was but prouincial, and the second national, and they are named by the names of the fift and sixt councels of Toledo.

Ambros.
Moral. I.
xi. cap. 23
& 24.

In the vwhich councels, according to the manner of the Gothes (who being once conuerted, from the Arrian hæresie, were very catholique and devout euer after, and gouerned themselues most, by their cleargie) and not only matters of religion were handled, but also of state

Concil. 5. and of the common wealth, especially aboute
cap. 2. 3. 4. the successiō to the crowne, safty of the Prince,
5. & conc. 6. cap. 16. prouision for his children, frendes, officers, and
17. 18. fauorites after his death, and against such as without election or approbation of the comō wealth, did aspire to the same, al thes points I say vvere determined in thes councels and among other points a very seuere decree vvas made in the sixt councel, concerning the kings oth at his admission in thes vvords.

Consonam

Consonam vno corde & ore promulgamus Deo placitu- Concil.
Td. 6.c. 3.
ram sententiam. We do promulgate vwith one
hart and mouth this sentence agreeable & plea-
sing vnto God , and do decree the same vwith "
the consent and deliberation of the nobles and "
peeres of this realme, that vwhosoeuer in tyme "
to come shalbe aduanced to the honor and "
preferment of this kingdome , he shal not be "
placed in the royal seat, vntil among other con- "
ditions he haue promised by the Sacrement of The king
of Spai-
nes othe-
at his ad-
mission.
an oth, that he vvil suffer no man to break the
Catholique faith,&c. Thus far, that synod or
council. By which wordes especially thos
(among other conditions) is made euident, that thos
Princes sweare not only to kepe the faith, but
also such other conditions of good gouernment
as were touched before in the fourth council,
and thes things were determyned while their
king Chintilla was present in Tolledo, as Ambroſio
Morales noteth. And thus much of Spayne, be- Ambros.
Moral.
lib. 1. cap.
fore the entrance of the Moores , and before 23.
The di-
ſtruction
of Spai-
ne.
the deuiding therof into many kingdomes ^{23.}
which happened about a hundredth yeares after of Spai-
ne.
this, to wit in the yeare of our Sauiour 713. and 714.

But after the Moores had gayned al Spayne The be-
ginning
of the re-
ſtitution
of Spaine.
and deuided it betwene them, into diuers king- Ambros.
Moral. li.
13.c. i. &
2. de la
domes, yet God prouided that vwithin fowre or Chron.de
Esp.
fue yeares the chrtians that were left and fledd
to the Mountaynes of Asturias & Biscay, found a
certainte yong Prince named Don Pelayo of the
ancient blood of the Gotish kings , vwho vwas also fled

also fled thither and miraculously saued from the enemyes, whom they chose straight vvaies to be their king, and he began presently the recouery of Spayne, and was called first king of *Asturias*, and afterward of *Leon*, and after his successors gatt to be kings also of *Castilia*, and then of *Toledo*, and then of *Aragon*, *Barcelona*, *Valentia*, *Murcia*, *Cartagena*, *Iaen*, *Cordua*, *Granado*, *Siuil*, *Portugal*, and *Nauarra*, al which were different kingdomes at that tyme, so made by the Moores, as hath bin said. And al thes kingdomes were gayned againe, by litle and litle, in more then 7. hundred yeares space, which were lost in lesse then two yeares, and they never came againe in deede into one Monarchie as they were vnder *Don Rodrigo* ther last king that lost the whole, vntil the yeare of our Lord 1582. when *Don Philippe* now king of Spayne re-united againe vnto that crowne the kingdome of *Portugal* which was the last peece, that remayned seperated and this vvas almost 900. yeares after Spaine was first lost.

But now to our purpose, the chronicler of Spayne, named *Ambrosio Morales* doth record in his chronicle a certaine law, written in the Gotish tonge, and left since the tyme of this *Don Pelayo* the first king, after the vniuersal destruction of Spaine, and the title of the law is this. *Como se an de leuantar Rey en Espña, y como el ha de Iurar los fueros*, that is to saye, how men must make ther king in Spaine, and how he must sweare to the priuileges and liberties of that

that nation: And then he putteth the articles „
of the law, wherof the first saith thus. Before „
al thinges it is establisched for a law, liberty, and priu- „
ledge of Spayne, that the king is to be placed by voi- „
ces and consent perpetually, and this to the intent that „
no euel king may enter without consent of the people, „
seing they are to giue co him, that which with ther „
blood and laboures they haue gaigned of the Moores. „
Thus far goeth this fist article, which is the Lucas
more to be marked, for that diuers and thos Episcop.
most ancient spanish authors do say, that from Tuyent.
this *Don Pelayo*, the succession of kings descen- in histor.
ded euer by propinquity of blood, and yet vve Hispan.
see that election was ioyned ther vwithal in ex- Lodou.
presse termes. lib.de he-
red.

The second part of the law conteyneth the manner of ceremonyes vsed in those old dayes at the admission of their kings, which is expressed in thes wordes, let the king be chosen & admitted in the metropolitan citie of this king- The old Spanish cerimo-
dome, or at least wise in some cathedral church, and the night before he is exalted, let him making ther Kin-
watch al night in the church, and the next day ge.
let him heare masse, and let him offer at masse „
a peece of scarlet, and some of his owne mo- „
ney, and after let him communicate, and when „
they come to lift him vp let him step vpon a „
buckler or target and let the cheife and princi- „
pal men ther present hold the target, and so lif- „
ting him vp let them and the people cry three „
tymes, as hard as they can, *Real, Real, Real*. Then „
let the king comaund some of his owne mo- „
ney, to

„ ney, to be cast among the people, to the quan-
 „ tity of a hundredth shillings, and to the end he
 „ may giue al men to vnderstand, that no man
 „ now is aboue him, let him self tye on his owne
 „ sword in the forme of a crosse, & let no knight
 „ or other man, beare a sword that day, but only
 „ the kinge.

The pre-
sent man-
ner of
Spaine.

This was the old fashion of making kings in spayne, which in effect and substance remayneth stil, though the manner therof be somewhat altered, for that the spanish kings be not crowned, but haue an other ceremony for their admission equal to coronation, which is performed by the Archbisshop of Toledo primat of al spayne, as the other coronations before mentioned are by the Archbisshop of *Moguntia*, to the Emperor, and by the Archbisshop of *Guesna* to the king of *Polonia*, and by the Archbisshop of *Praga* to the king of *Boemia*, and by the Archbisshop of *Braga* to the king of *Portugal*, and by the Archbisshop of *Canterbury* to the king of *Ingland*, and by the Archbisshop of *Rhemes* to the king of *France*, of which realme of France we may not omit to say somewhat in particular, seing it is so goodly a kingdome, and so neere to Ingland, not only in situation, but also in Lawes manners & customes, and as the race of Inglishe kings haue come frō them in diuers manners, since the conquest, so may it be also supposed that the principal ceremonies and circumstancies of this actiō of coronation, hath bine receaued in like manner from them.

First then touching the acte of coronation
and admission of the king of France, euen as be-
fore I haue said of Spayne, so also in this king-
dom do I find two manners of that action, the
one more ancient which the French do say
hath indured in substance from ther first Chri-
stian king named *Clodoueus*, vnto this day, which
is about eleuē hundred yeares, for that *Clodoueus*
vvas christened the yeare of our Lord 490. in
the cytie of Rheims by S.Remigius, Bishop of
that citie, and annointed also and crowned
king by the same bishop, which manner and
order of anoynting and coronation endured
after for about 6. hundred yeares, vnto the
tyme of Henry the first, & king Phillip the first
his sonne, both kings of France. At vwhat tyme
(which is about 500. yeares a gone) both the
Chroniclers and Cosmographers of France do
testifie, that ther was a peculier booke in the
library of the church of *Beuaus*, conteyning the
particular order of this action, which had en-
dured from *Clodoueus* vnto that tyme. Which
order, for so much as toucheth the solemnitie
of officers in the coronation and other like cir-
cumstances, vvas far different at that tyme,
from that which is now, for that in those dayes
ther were no peeres of France, appointed to as-
sist the same coronation, which now are the
chiefe and the greatest part of that solemnitie.
Yea *Girard du Hailan* secretarie of France in his
third booke of the affaires and state of that
kingdome, sayth, that the ceremonies of crow-
ning

The man-
ner of
French
corona-
tion.

The old
ceremo-
nies.

Belfor. I. 3
c. 20 The-
uet. cos-
mograph.
vniuers. I. 1.
15. cap. 2.
Papir.
maslon.
annal I. 3.
pag 2. 15.

Gerand I.
3 delib.
estat.
fol. 238.

ning their old kinges were much after the fashion which I haue noted a litle before , in this very chapter, out of the law of *Don Pelayo* first king of Spaine, after the Moores , for that they were lifted vp and caried a-bout vpon a target by the chiefe subiects ther present as the Spaniards were.

But as touching the principal point of that action which is the substance of admitting the king vnto his royal authority , and oth by him made of gouerning wel and iustly , and of the reciprocal oth of obediēce made to him againe by his subiects , it was not much different from that which now is , as shal appeare by the coronation of the foresaid Phillip the first, who was crowned in the life and presence of his fa-ther, king Henty, after the fashion then vsed in the yeare of Christ 1059. and it was in man-
Francis
Belfor.
hist. fran.
lib. 3. c. 20
in vita
Philip. I.
 nner following, as *Nangis* and *Tillet*, both autho-
 res of great authoritie among the French , do
 recount it, and Francis Belforest , out of them
 both repeateth the same at large, in thes words
 following.

The co-
 ration
 of King
 Phillip
 the first.

King Henry the first of this name, seeing him-
 selfe very old and feeble, made an assembly of
 al the states of France in the cytie of Paris in the
 yeare of Christ 1059. wher bringing in his
 „ yong sonne and heire Philip that vvas but 9.
 „ yeares of age, before them al, he said as fol-
 „ loweth.

The
 speak of
 the fa-
 ther.

Hither to my dere frends and subiects, I haue
 bin the head of your nobility, & men at armes,
 but now

but now by myne age and disposition of body, „
 I do wel perceave, that ear it be long I must be „
 seperated from you, and therfore I do desire „
 you that if euer you have loued me, you shew „
 it now in giuing your consent and approbation „
 that this my sonne may be admitted for your „
 king, and apparelled with the royal ornaments „
 of this crowne of France, and that you wil „
 sweare fealtie vnto him, and do him homage. „

Thus said the king, and then hauing al ked „
 euery one of the assistance in particular for his „
 consent a part, and afterwards the whole assem- „
 bly in general, whether they vwould sweare „
 obedience to him or no, and fynding al to pro- „
 mise vwith a good wil, he passed ouer the feast „
 of the assencion vwith great ioy in Paris, and „
 after vwent to Rhemes vwith al the court and „
 trayne, to celebrate the coronation vpon the „
 feast of vwhit-sunday.

Thus far are the wordes of William de Nan- Notes vp.
pon the
kings
speachēs
gis alleaged in the story of France by Belforest, and it is to be noted first, how the king did request the nobility & people to admit his sonne, and secondly how he did aske ther consents a part, for that thes two pointes do euidently confirme that, vwhich I said at the beginning, that only succession is not sufficient, but that coronation euer requireth a new consent, which also includeth a certaine election or new approbation of the subiects.

This is proued also most manifestly by the very order of coronation which insueth in

*Memoires du
Tillet e.
du sacre
des Roys.*

*The par-
ticular
manner
of corona-
tion.*

Belforest, taken vword for vword out of Tillet, in his treatise of Recordes, in the chapter of annoyn-ting the kings of France in thes wordes.

In the yeare of grace 1059. and 32. of the reigne of king Henry the first of this name of France, and in the 4.yeare of the seat and bis-
hoprick of Geruays Archbisshop of Rhemes, and
" in the 23. day of May being whit-sonday, king
" Phillip the first vvas anointed by the said Arch-
" bisshop Geruays in the great church of Rhemes,
" before the auter of our lady, vwith the order &c
" ceremony that ensueth.

" The masse being begonne, vwhen it came to
" the reading of the Epistle, the said Lord Arch-
" bisshop turning about to Phillip the Prince,
" that vvas ther present; declared vnto him vvhac
" vwas the Catholique fayth, and asked him
^{Professio} of faith. whether he did beleue it, & whether he would
" defend it against al persons vwhatsoeuer, vwho
" affirming that he vwould, his oth vvas brought
" vnto him, wherunto he must sweare, vwhich
" he tooke and read with a loud voyce, and signed
" it vwith his owne hand, and the words of the
" oth vvere these.

*Je Philippe par le grace de Dieu prochain d'estre or-
donné Roy de France, promets au iour de mon sacré de-
vant Dieu & ses sanctes. &c. That is in English, (for
I vvil not repeate al the oth in French seing it is
somewhat long). I Phillip by the grace of God,*

*The oth
of the
King of
France.*

*to be ordeyned king of France, do pro-
mise in this day of my annoynsing, before al-
mighty God, and al his sanctes, that I wil con-
scrue*

ferue vnto you that are ecclesiastical Prelats al,,
canonical priuileges, and al law and iustice dew,,
vnto every one of you, and I vvil defend you by,,
the helpe of God so much as I shall lye in my,,
power, and as euery king ought to do, and as,,
by right and equity he is bound to defend eue-,,
ry Bishop and church to him cōmitted within,,
his realme, and further more I shal administer,,
iustice vnto al people giuen me in charge, and,,
I shal preserue vnto them the defence of lawes,,
and equity appertaining vnto them, so far forth,,
as I shall lye in my authority, so God shal helpe,,
me and his holy Euangelists.

This oth was read by the king, holding his,,
handes betwene the handes of the Archbisshop,,
of Rhemes, and the bisshop of Syen and Bisanson,,
legats of the pope standing by, vwith a very,,
great number of other bishops of the realme.,,
And the said Archbisshop taking the crosse of,,
S. Remigius in his hands, he shewed first vnto,,
al the audience, the ancient authoritie which,,
the Archbisshops of Rhems had euuen from the,,
tyme of S. Remigius that baptizel ther first,,
christian king Chodoueus, to annoiint & crowne,,
the kings of France, which he said vvas confir-,,
med vnto them by priuiledge of the pope Hor-,,
misda that liued in the yeare of Christ 516. and,,
after also by pope Victor, and this being done, he
then (by licence first asked of king Henry the
father ther present) dyd chose Phillip for king.
Il esleut le dit Philippe son fils, en, & pour Rey de France,
which is word for word, the Archbisshop chose

Belfor. I. 1
cap. 20.

the said Phillip king Henryes sonne, in and for
 king of France, which the legats of the pope
 presently confirmed, and al the bishops Abbots
 and cleargie, with the nobility & people in ther
 order, did the like, crying out three tymes in
 the peo-
 ples ele-
 ction and
 admisiō. thes vwordes. *Nous le approuons, nous le voulons, soit*
fait nostre Roy, that is, vve approue his election,
 we wil haue him, let him be made our king, &
 presently was song. *Te Deum laudamus* in the
 quyar, and the rest of the ceremonies of anoin-
 ting and coronation were done, according to
 the ancient order of this solemnity, vsed in the
 tyme of king Phillips predecessors kings of
 France.

Thus far do French stories recount the old &
 ancient manner of anointing and crowning
 ther kings of France, which had endured as I
 haue said, for al most 600. yeaies that is to say,
 from *Clodouens* vnto this king Phillip the first,
 vwho was crowned in France 7. yeaeres before

The later order of coronatio in France. Our William conquerer (who also was present
 at this coronation, & had the third place amōg
 the temporal Princes as Duke of Normandie)
 entred into Ingland, but after this tyme the
 manner and ceremonies was somewhat altered,
 and made more maiestical in outward shew, &
 this especially by king Lewis surnamed the
 yonger, nephew to the foresaid king Phillip,
 who leaving the substance of the action as it
 vvas before, caried diuers external additions of
 honor and maiestie, to be adioyned therunto,
 especially for the coronation of his sonne
 Phillip

Phillip the seconde surnamed *Augustus*, whom he caused also to be crowned in his dayes, as his grand father Phillip had bin, and as himselfe had bin also in his fathers dayes.

This man among other royal ceremonyes ordeyned the offices of the twelue peeres, of France, 6. Ecclesiastical, and 6. temporal, vwho are they which euer since haue had the chiefest places and offices in this great action, for that the fore said Archbisshop of Rhemes intituled also Duke of Rhemes, hath the first and highest place of al others, and annoyneth & crowneth the king. The bisshop & Duke of Laon beareth the glasse of sacred oyle. The bis hop & Duke of Langres the crosse: The Bis hop and earle of Beua is the mantel royal, The Bis hop & Earle of Noyon the kings girdle, and last of al, the Bis hop and Earle of Chalons, doth cary the ring, and thes are the six ecclesiastical peeres of France with their offices in the coronation.

The temporal peeres are the Duke of Bur-
gundie, deane of the order, vwho in this day of coronation holdeth the crowne: the Duke of Gasconie & Guyene the first banner quartered, the Duke of Normandie the 2. banner quartered, the Earle of Tholosa the golden spurres, the Earle of Champanie, the banner Royal or standerd of warr, and the Earle of flanders the sword royal, so as ther are 3. Dukes & 3. Earles in euery one of both ranks of spiritual & temporal Lords, and as Girard noteth, the king is apparaaled on this day 3. times, and in 3, several led.

The 12.
peeres of
France &
ther offi-
ces in the
corona-
tion.

Temporal
peeres.

Girard du
haillan h.
3.de Pe-
stat.pag.
240 2.2.
& 253.

sortes, the first as a priest, the secōd as a king ad
vvarryer, the third as a iudge, and finally he
saith that this solemoitie of anoynting and
crowning the king of France, is the most mag-
nificent, gorgious, and maiestical thing that
may be scene in the vworld, for which he refer-
reth vs not only to the particular coronations
of thes two ancient king Phillipps, the first &
second, but also to the late coronation of Hen-
ry the second, father to the last kings of France
which is also in printe, and in deede is a very
goodly and most notable thing to be read,
though in deede much more to be seen.

But to say a vword or two more of Phillip
Augustus before I passe any further, which
happened in the yeare 1179. and in the 25. of
the reigne of our king Henry the 2. of Ingland,
who as the French stories say was present also
at this coronation, and had his ranck among
the peeres as Duke of Normandy, and held the
kings crowne in his hand, & one of his sonnes
had his ranck also as Duke of Gasconie, & the
forme vsed in this coronation was the very
same which is vsed at this day in the admission
of the kings off France, in recounting wher-of
I wil let passe al the particular ceremonies
Which are largely to be read in Francis Belfo-
rest, in the place before mentioned, and I vvil
repeate only the kings oth, which the said au-
thor recounteth in thes wordes.

The coro-
gation of
Phillip 2.
Augustus

The Archbischop of Rhemes being vested in
his pontifical attyre, and come to the auiter to
begin

The cere-
monies
vied at
this day.

Francis
Belf. in
vita Au-
gustus.

begin masse (wher the king also was vpon a
high seat placed) he turnede to him and said
thes wordes in the name of al the cleargie and
churches of France: Syre that which we require
at your handes this day , is that you promise
vnto vs, that you wil kepe al canonical priuile-
ges law and iustice dew to be kept & defended
as a good king is bound to do in his realme, and
to euery bishop and church to him committed:
wherunto the king answered. I do promise and
also vnto every one of you and to every church to you
committed, that I wil kepe and mainteyne al canonical
privileges law and iustice dew to every man to the v-
termost of my power, and by Gods helpe shal defend
you as a good king is bound to doe, in his realme. This
being done the king did sweare and make his
oth, laying his handes vpon the gospel in thes
wordes following. *Au nom de Jesus Christ , ie ure*
& promets au people christien & moy suiect ces cho-
ses, &c. Which is in English: In the name of Je-
 sus Christ I do sweare and promise to al Chri-
 stian people subiect vnto me thes points ensu-
 ning: first to procure that al my subiects be kept
in the vnion of the church , and I wil defend
them from al excesse, rapine, extorsion, and ini-
quity, secondly I wil take order that in al iudg-
ments iustice shalbe kept, with equity and
mercy, to the end that God of his mercy may
conserue vnto me with you my people his holy
grace and mercy. Thirdly I shal endeouour as
much as possibly shal lye in me, to chise and
drive out of my realme and al my dominions, al

The oth
of the
French
king vfed
at this
day.

, such as the church hath or shal declare for he-
,, retiques, as God shal help me and his holy gos-
,, pels. Thus swereth the king , and then kyssheth
,, the gospels, and mediately is song. Te Deum lau-
,, damus, and after that are laid many particuler
,, prayers by the Archbisshop, and then is the king
,, vested, and the ring, scepter, crowne, and other
,, kingly ornaments and ensignes are brought &
,, put vpon him , with declaration first vwhat
,, they signifie, & then particuler prayers are made
,, to God , that ther signification may be by the
,, king fulfilled.

The arch-
bishops
bleffing
& spech
to the
new
kinge. And after al ended the Archbisshop with the
Bis hops do blesse him , and say thes vvordes
vnto him. God whiche reigneth in heauen and gouer-
neth al kingdomes blesse you, &c. Be you stable and
constant, and hold your place and right , from hence
forth whiche heere is committed and laid vpon you by
the authority of almighty God, and by this present tra-
dition and deliuery whiche we the bis hops and other
seruants of God do make vnto you of the same, and re-
member you in place conuenient, to beare so much more
respect & reverencie vnto the cleargie . by how much
neerer then other men you haue seene hem to approch
to Gods auuter, to the end that Iesus Christ mediator of
God and man may confirme and maynteyne you by the
cleargie and people, in this your royal seat and throne,
who being lord of Lords and king of kings make you
reigne with him and his father in the life and glory
euerlasting.

Thus saith the Archbisshop vnto him , and
after this he is led by him and the other peares,
vnto

vnto the seat royal, wher the crowne is put vp-
pon his head, and many other large ceremoniees
vſed vvhich may be read in the author a fore
ſaid, and are to long for this place. And yet haue
I bin the larger in this matter of Fiance, for
that I do not thinke it to be improbable which
this author and others do note, to wit, that
most nations round about haue taken their
particuler formes of anoynting and crowning
their kings, from this anciet custome of Fiance,
though the ſubſtance therof, I meane of other
ſacring and anoynting, be deduced from exam- The man
ner of co-
ronations
take from
France.
ples of far more antiquity, to wit, from the very
firſt kings among the people of Israel, who God
cauſed to be anoynted by his priestes and pro-
phets, in token of his election, and as a ſingu-
ler priuiledge of honor and preheminence vnto
them, wherof king Dauid made ſo great accōpt
when he ſaid to the ſouldiar that had killed
Saul hisenimye in the warr, *quare non timuisti* 1. Reg. 10.
& 16
2. Reg. 2.
mittere manum tuam in Christum Domini, VVhy
diſdeſt thou not feare to lay thy hands vpon
the anoynted of God, and he put him to death
for it, notwithstanding that Saul had bin long
before deposed, and rejeeted by God, and that
himſelfe had lawfully borne armes againſt him
for many daies, ſo much was that ceremony
of anoynting eſtemed in thos dayes, & ſo hath
it bin euer ſince among chrtian people alſo,
for that kings hereby are made ſacred, and do
not only perticipate vwith priestes, but alſo vwith
Christ himſelfe vwho hath his name of this

Probable then I say it is, that albeit the substance of this ceremony of anoynting kings be much elder then the christian kingdome of France: yer is this particuler and maiestical manner of doing the same by waye of coronation, the most ancient in France aboue al other kingdomes round about, especialy if it begin vwith ther first christian king *Clodouæus* not ful 500. yeares after Christ, as french authors do hold. At whiche tyme also they recount

The holy oyle of Rhemes. a great miracle of holy oyle sent from heauen
by an angel for anoynting *Clodouæus*, vvhерof

they sy they haue stil remaining for the anoynting of their kings at Rhemes, vvhich point I vvil not stand to treat or discourse in this place, but rather wil refer my reader to the foresaid chapter of Francis Belforest chonicler of Frace,
Belfo. I. 3. cap. 37. vvhoo alleageth diuers vriters of almost 500. yeares antiquitie that write of the same, but howsoeuer that be, very probable it semeth that al the ceremoneys of coronation in Germany & Polonia before recited (which had ther beginning long after the reigne of *Clodouæus*) might be taken frō thence, and so the affinity and likeenes of the one to the other doth seeme to agree, and Garribay also the chonicler of Spayne, and of Nauarra, in his 22. booke talking of this custome of anoynting and crowning the kings of Nauarra, saith, that this excellent custome began ther (I meane in Nauarra) aboue 800. yeares past

Eteman.
Garribay.

lib. 22. c. 2

res past and vvas brought in by certaine Earles
of Champayn of France named Theobaldes who
comming to attayne that crowne brought
with them that reuelent ceremony of anoy-
tig & crowning ther kings, according to the vse
of the French, which custome endureth vntil
this day in that part of Nauatia, that is vnder
the house of Van 'ome, albeit in the other that is
vnder the Spaniardes (which is far the greater)
it vvas left of in the yeare 1513. when Ferdinand
surnamed the Catholique king of spayne
entred ther-vpon, for that the Spanish kings
are neuer anoynted nor crowned but otherwise
admitted by the common vvealth as before I
haue declared.

But among al other kingdomes it semeth
that Ingland hath most particularly taken this
custome, and ceremony from France, not only
for the reason before alleaged that divers of
our English kings haue come out of France, as
William Conqueror borne in Normandy, king The In-
glish co-
ronation
taken frō
he fēch.
Stephen sonne to the Earle of Blois, and *Bollen*, a
French man, and king Henry the second borne
likwise in France, and sonne to the Earle of *An-
iou*: but also for that in very deede the thing it
selfe is al one in both nations, and albeit I haue
not sene any particular booke of this action in
Ingland, as in French ther is: yet it is easy to ga- Le Sacré
des Roys.
ther by storyes what is vsed in Ingland about
this affaire.

For first of al, that the Archbisshop of Canter-
bury doth ordinarily do thes ceremony in In-
gland,

land, as the Archbishop of Rhemes doth it in France, ther is no doubt, & with the same solemnity and honor, according to the condition

Polidor Virgil in his story noteſt that pope Alexander did inter-

Anglie in vita Henr. vii. dict and suspend the Archbishop of Yorke,

Excl. with his two assistants the bishops of Londō &

Salisbury, for that in the absence of Thomas

Becket Archbishop of Canterbury, and with-

out his licence, they did crowne king Henry

the seconds sonne, named also Henry, at his fa-

thers perswation, and diuers do attribute the

vnfortunate successe of the said king Henry

the yonger that rebelled against his father, to

this disorderly and violent coronation by his

fathers appointment: secondly that the first

thing which the said Archbishop requireth at

the new kings hands at his coronatiō, is about

religion, church matters and the cleargie (as in

France vve haue ſeene) it appereth euidently

by thes vvords which the ſame Archbishop

Thomas (ſurnamed commonly the martyr)

remayninge in banifhment vvtore to the ſame

king Henry the ſecond which are thes. *Memores*

D. Thom. Cantuar. apud ſu- tūm in mense Decem- bris. ſitioſis confeſſionis quam feciſtiſ & poſuistiſ ſuper altare

apud Westmonasterium de ſeruanda Ecclesiæ libertate,

quando confeſſati fuistiſ, & vnci in regem à prede-

ceſſore noſtro Thebaldo. Which is, do you cal to

your remembrance, the confeſſion, which you

„ made and laid vpon the auſter at vwestmin-

ster, for keping & defending the libertie of the

church when you vvere confeſſated and an-

noyned

noynted king by *Thebaldus* our predecessor. By which wordes appereth, that as the king of Ingland vvas consecrated and annoyncted in thos dayes by the Archbisshop of Canterbury, so did he sweweare and giue vp his oth also in vning, and for more solemnity and obligation, layd it downe or rather offered it vp, vwith his owne handes vpon the aulter, so much as vvas repairet of him by the said Archbisshop & cleargie, for the special safety of religion, and theis ecclesiastical liberties, which is the selfe same pointe that vve haue sene before, as vvel in the oth of the kings of Franc, as also of Polonia and Spayne, and of the Emperors both Grecian and German.

The very like admonition in effect I finde made by an other Thomas Archbisshop of Canterbury, to an other king Heniy, to wit by Thomas Arundel to king Henry the fourth, vwhen in a pailament holden at Couentry, in the yeare 1404. the king vvas tempied by certayne temporal men, to take away the temporalityes from the cleargie, wherunto vwhen the said Archbisshop Thomas had answered by diuers reasons, at last turning to the king he besought him (saith Stow) to remember the oth which he voluntarily made, that he would honor & defend the church and ministers therof. VVherfore he desired him to permit and suffer the church to enjoy the priuileges and liberties which in tyme of his predecessors it did enjoy, and to feare that king which reygneth in heaven, and by whom al other kings do reigne

The speech of
an other
Arch-
bisshop
of Canter-
bury to
the King.

Stow in
vita Hen-
rici 4

reigne morouer he desired him to consider his promise also to al the realme, which was that he vould preserue vnto euery man their right and title, so far as in him lay. By vwhich speech of the Archbishop the king was so far moued, as he vwould heare no more of that bil of the layue; but said that he would leaue the church in as good estate, or better then he found it, and so he did, but yet hereby we come to learne, vwhat oþ the kings of Ingland do make at ther coronations touching the Church and cieargie.

Holinsf^h
in his
Cro. pag.
473. &
2005. The King-
ges of
England.

The other conditions also of good gouernment, are partly touched in the speach of the Archbishop, and much more expisely set downe in the king of Inglands oþ, recorded by ancient wriuers, for that he sweareth as both Holinsbead and others do testifie, in ther inglysh stories, in thes very words, to vvit.

That he wil during his life, beare reuerence & honor vnto almighty God, and to his Catholique church, and vnto his ministers, and that he wil administer law and justice equally to al, and take aday al miüst lyses. Which after he had sworne, laying his handes vpon the gospels: then doth the Archbishop (turning about to the people) declare vwhat the king hath promised and sworne, and by the mouthe of a harold at armes asketh ther consents, whether they be content to submit themselves vnto this man, as vnto ther king or no, vnder the conditions proposed, wherunto when they haue yealded themselues, then beginneth the Archbishop to put vpon him the regal ornaments as the

as the sword, the ring, the scepter, and crowne, as before in the French coronation you haue hard, and namely he giveth him the scepter of S. Edward the confessor, and then he addeth also the same wordes of commission and exhortation as the other doth, to wit, stand and hold thy place and kepe thy oth, and therunto adioyneth a great commination or threat, on the behalfe of almighty God, if he shold take vpon him that dignity, without fyme purpose to obserue the things which this day he hath sworne, and this is the somme of the Inglishe coronation Which you may read also by pieee meale in John Stow (according as other things in that his breefe collection are set downe) but especially you shal se it in the admissions as wyl of the said kinge Henry the fourth now last mentioned, as also of king Edward the fourth, at ther first entrances to the crowne; for in the admission of king Henry, Stow sheweth, how the people vvere demaunded thrise, whether they were content to admit him for ther kinge, and that the Archbishop of Canterbury (who was the same Thomas Arundel of whom vve speake before) did read vnto them what this new king vvas bound by oth vnto, and then he tooke the ring, wherwith he vvas to vved hym to the common wealth, (which vvedding importeth as you know an oth and mutual obligation on both sides in every mariage) and the Earle of Northumberland high Constable of Ingland, for that day, was vvalled to shew the said ring to the

Stow in
vita Ri-
chardi 2.
in fine.

Admissiō
and Co-
ronation
of King
Henry 4.

to the people, that they might therby see the band v^e herby ther king vvas bound vnto them. And then it vvas put vppon his finger, and the king kissed the Constable in signe of acceptace, fel on his knees also to prayer that he might obserue his promise, and other like ceremonyes saith Stow, vvere vsed, and this vvas done the 13. of October 1359. and therfore vppo good reason might this same Archbis hope put him afterward in mynde of this his othe as before I haue shewed that he did.

**The coro-
nation of
King
Edward** At the admission also of king Edward the fourth, Stow noteth in his Chronicle, that first the peoples consent was demaunded very solemnly in S. Johns feilde by London, the 29. of February, in the yeare 1460. notwithstanding that king Edward had proued his title, by succession before in the parliament holden at west-vra Hēr. minster, and now this consent of the people being had, (or he being thus elected as Stowes words are) he went the next day in procession at paules, and offered ther, and after, Te Deum being song, he was with greate royalty cōueyed to westminster, and ther in the haule set in the kings seat, with S. Edwards scepter in his hand, and then the people were asked agayne if they would haue him king, and they cryed yea yea, thus far John Stow.

And if any would take exception against thes of king Henry and king Edward the 4. because they entred and began ther reynes vpon the depriviation of other kings then lyuing, ther are yet

are yet many living in Ingland that haue seche
the feneral coronations of king Edward the 6.
Q. Mary & Q. Elizabeth that now reigneth, &
can witnes that at al and euery of ther coronan-
tions, the consent of the people and their accep-
tation of thos Princes is not only demanded by
the publique cry of a harolde at armes,
which standeth on both the sydes of the high
scaffolde or stage wher the Prince is crowned;
and the peoples answeare expected till they cry
yea yea : but also that the said Princes gaue
there their corporal othe vpon the Euangelists
vnto the Bishop that crowned them, to vp-
holde & maynteyne the faith afornamed, with
the liberties and priuileges of the church, as
also to gouerne by iustice and law , as hath bin
said: which othes no doubt haue bine sworne
and taken most solemnly by all the kings and
Queenes of Ingland, from, the dayes of king
Edward the Confessor at the least, and he that
wil see more poyntes of these othes set down in
particular let hym reade magna carta, and he
wilbe satisfied.

By al which, and by infinite more that might
be said and alleaged in this matter, and to this
purpose, it is most evident, (said the Civilian
lawyer) that this agreement, bargayne and con-
tract betwene the king and his cōmon wealth,
at his first admission, is as certayne and firme
(nothwiting any pretence or interest he
hath or maye haue by succession) as any cōtract
or mariage in the vworld can be, vwhen it is

The con-
clusion of
this cap-
ter.

solemnized by wordes *de præsentि* (as our law speaketh) betwene parties espoused before by *vwordes de futuro*, vwhich is an act that expresseth this other most liuely, as afterward more at large I shal shew vnto you, and consequently I must nedes affirme, to be most absurd base and impious, that flattery before mentioned of Belloy & his companions, in their booke before cited, where he holdeth, *that only successiō of blood, is the thing without further approbation, whiche maketh a king, and that the peoples consent to him that is next by birth, is nothing at al needful, be he what he wil, and that his admission, ianction or coronation is only a matter of external ceremony, without any effect at al, for increase or cōfirmatiō of his right; thes (I say) are vnlearned, fond & wicked assertions, in flattery of Princes, to the manifest ruine of common wealthes and perverting of al law, order & reason, which assertiōs albeit they haue bin sufficiently (as I suppose) refuted before, yet meane I to stand a little more vppo them in this place for more euident demonstration of so important a truth, as also to see & examine what may duly be attributed to bare successiō alone, to the end that no man may thinke we meane to improue or imbase that which we esteeme in so high degree, and thinke that the best and surest way of maynteyning kingly gouerment in the world: is to haue it go by succession, as it doth at this day in Ingland, and in most other states of Europe besides, though yet with the limitations & conditions due ther-*

Absurd
assertions
of Belloy.

vuto,

unto, wherof I shal now beginne to treat more
in particular, but after some little pause if you
please, for that this other narration hath wel
wearied me.

VVHAT IS DVE TO
ONLY SVCCESION BY
BIRTH, AND VVHAT IN TE-
rest or right an heire apparent hath to the crowne,
before he be crowned or admitted by the comon
Wealth, and how iustely he may be put
backe yf he haue not the other
partes requisit also.

CHAP. VI.

VERY resonable it seemed to al the whole
assembly that some intermission or pause
should be admitted, as the Civilian had requi-
red, and this aswel for the commodity of the
hearers, who desired to conser together more
in particular, of the poyntes alredy discussed, as
also of the speaker, who whith reason affir-
med that he was somewhat weary, seing he
had continued his spech so long together. And
so whith one consent they rose al and went
into an orchard adioyning to the house, and
after some houres space, returned agayne, for
that euery man seemed very desirous to heare
this other matter debated, of the interest of

A pause.

Princes before ther coronation , for that they said, it touched the very pointe it selfe , now in question in Ingland , and that which is like to be in action also, ere it be long, Wherfore they desired the Civilian to beginne his discourse, and first of all to set downe the very words of Belloy about this matter, as also the places wher he writeth the same , so that his assestions appeared to them very strainge & opposite to al reason of state & practise of the vworld , as also contrary to al that vvhich hitherto had bin said and treated.

Wher-to the Civilian answered, rew it is, that they are so , and more plaine and grosse flatteries then euer I haue read vttered by any man to any prince or tyrant vwhat soeuer , albeit most of them (as you know) haue not fayled to find as shameles flatterers , as themselues were eyther vayne or vvicked princes , and for my part I am of opinion , that thes propositions of Belloy vvil rather hurt and hinder, then profit the prince for vvhom and in vwhos fauour he is thought to haue written them, vvhich is the King of Nauarra whome hereby he would aduaunce (as he semeth) and haue admitted to the crowne of France, vvhilout al consent or admission of the realme. But I for my part, as I doubt not greatly of his title by propinquity of blood , according to the law Salique; so on the other side, am I of opinion , that thes propositions of Belloy in his behalfe, that he shoulde enter by only title of birth , vvhilout condic-

Grofesla-
tter.

tion

zion consent or approbation of the realme , as
 also vvhithout oth annoynting or coronation,
 yea of necessitie, vvhithout restraint or obliga-
 tion to fulfil any law, or to obscrue any privile-
 ges to church , chapel, cleargie, or nobilitie, or
 to be checked by the vvhole realme , if he rule
 amisse: thes thinges I say , are rather to terifie,
 the people and set them more agaynst his en-
 trance , then to aduance his title: and therfore
 in my poore iudgment , it vvas nether vvisely
 wwritten by the one, nor politiquely permitted
 by the other. And to the end you may see vvhac
 reason I haue to giue this censure, I shal here
 set downe his owne propositions , touching
 this matter, as I find them in hisowne words,
 First then he auoutcheth , that al families whiche
 enioye kingdomes in the world were placed therin by
 God only and that he alone can chāge the same, which
 if he refer vnto gods vniuersal prouidence que
 attingit à fine vsque in finem fortiter as the scrip-
 ture saith, and vvhithout vvhich a sparrow fal-
 leth not δ the grownd, as our saviour testifieth,
 no man wil deny , but al is from God , ether by
 his ordinance or permission, but if we talke (as
 we do) of the next & immediate causes of em-
 pyres, princes, & of ther chāges; cleere it is, that
 men also do & maye concure therin , and that
 god hath left them lawful authority so to do,
 and to dispose therof for the publique benefit,
 as largly before hath bin declared, & conse-
 quently to say that god only doth thes things
 & leaueth nothing to mans iudgement therin is

The pro-
 positions
 of Belloy
 apolog.
 each part.
 2. §. 7.

Matth. 6.

The second proposition of Belloy is, that where such princes be once placed in gouernment, and the law of succession by birth established, there the princes chilidron or next of kynne do necessarily succeede, by only birth, without any newe choise or approbation of the people, nobilitie, or cleargie, or of the whole common wealth together. And to this assertion he ioyneth an other as straing as this, which is, that a king never dieth for that whesoeuer or how-soever he ceaseth by any meanes to gouerne, then entreth the successor by birth not as beyre to the former, but as lawful gouernour of the realme without any admision at al, having his authority only, by the condition of his birth and not by adoption or choise of any. Which two propositions albeit they haue bin sufficiently refuted, by that which hath bin spoken in the last two chapters going before, yet shal I novv agayne conuince more amply the vnguenther thereof.

Other two propositions he addeth, which partly haue bin touched and answered before, and yet, I meane to repeat them agayne in this place for that they appertayne to this purpose, his former is, that a prince once entred to gouernmet, and so placed as hath bin said ys vnder no law or restrainte at al, of his authority, but that himselfe only is the quick and liuing law, and that no limitation can be giuen vnto him by any power vnder heauen, except it be by his owne wil, and that no nation or common wealth can appoynt or prescribe how they wil obey or bese their prince shal gouerne them, but must leauue

2.
Apolog.
Cathol.
part.1.pa-
rag.7.

3.
Apolog.
pro rege.
c.6. &c 34.

4.
Apolog.
Cathol.
part.2.pa-
rag.7. &
pro rege
cap.9.

bis

his authority free from al bandes of law, and this eyther willingly or by violence, is to be procured. By which vwordes it semeth that he paynteth out a perfect paterne of a tyranical gouernment, vvhich how it may further the king of Nauatres pretence, in the case he standeth in presently in France, I do not see.

His other proposition is, That albeit the heire apparent which is next by birth to any crowne, shold be neuer so impotent, or vnfit to gouerne, as if (for examples sake) he shold be deprived of his senses, madd, furious, lunatique, a foole or the like, or that he shold be knodvne o the other side to be most malicious, wicked, vitiouſ or abhominal, or shold degenerat into a very beast, yea if it were knodvne that he shold go about to destroy the common wealth, and drodne the ſhipp which he had to guide, yet (saith this man) he must be sacred and holy vnto vs, and admitted whithout condradiction to his inheritance, which God & nature hath laid vppon him, & his direction restraint or punishment must only be remitted to God alone, for that no ma or comun wealth, may reforme or restraine him. Thus saith Belloy, which I doubt not vvil ſeme vnto you rather belly and base doctrine, then to come from the head of any learned or discreet man, that regardeth the end why comon vvealtheſ and kingdomes and al gouernments vvere ordeyned by God and nature, and not the flattering or adoring of any one miserable man that ſhal stand ouer them to diſtroy the vvhole.

But nowv to the particular matter that vve

are to treat, vvhich is, vwhat is to be attributed to this succession or propinquity of birth alone, I am of opinion, as before I signified, that albeit ther want not reasons on both sides

<sup>successio
of princes
by birth
better the
meere
election
& vvhyl?</sup> among learned men, vwhat kinde of providing gouernors to common wealthes is best, either by simple and free election only, or by succession of birth: my opinion (I say) is, that succession is much to be preferred, not for that it vwanteth al difficulties and inconueniences (vvhich al temporal things vpon earth haue) but lyke as before I haue shewed of the particuler gouernment of a monarchie in respect of other formes of regimēt, to wit, that it wanted not al, but had fewver inconueniences then other formes of regiment have, so say I also of this, that albeit some inconueniences want not in succession; yet are they commonly far lesse and fewer, then would follow by mere electiō;

^{i. reason.} vvhich is subiect to great and continual dangers of ambition, emulation, division, sedition, and contention, which do bring vvhile them evident peril of vniuersal destruction & desola-
tion of the vwhole body, & this at every change of the Prince, vvhich change on the other side, is much assured by succession, for that great occasions of strife and contention are ther-
by cut of.

^{v.} And besides this, the Prince vvhho is in present possession knowing that his sonne or next of kynn, is to be his heyre, hath more care to leauie the realme in good order, as vve see that

the

the husband man hath to til and manure that ground, vwhich is his owne, and to remayne to his posterity.

A third commodity also ther is, for that lesse mutations and alterations are seene in the common vwealth, wher succession preuayleth, for that the sonne following his father, doth commonly retayne the same frends, councellors, officiers, and seruants, vwhich his father had before hym: pursueth the same actions and intentions, vwith the same maner of proceeding for the most part; vher as he that entereth by election, being an alien to him that vuent before him, & neuer lightly his frend, doth change alter and turne vpsidowne, al things.

Further more (which may be also a fourth reason) he that entereth by succession, for that he is either borne a Prince, or hath bin much respecket stil for his title to the crowne, bringeth vwith him lesse passions of hatred, emulation, anger, enuy, or reuenge agaynst particuler men (for that no man durst offend him) then doth he vwhich entreth by only election, for that he haing bin a subiect and equal to others before his aduancement, and therby holden contention with many, especially at this election, must needs haue matter of quarrel with many, vwhich he vil seeke easily to reuenge whē he is in authority, as on the other side also such as were his equales before wil beare him lesse respect & more vnwillingly be vnder him, then if by birth he had bin ther soueraine.

The pre-
heminenc
of primogeni-
tura. Thes and diuers other are the commodities
of succession, whervnto vve may also ad the
preheminence and priuilegde of primogenitura,
and auncetrie of birth, so much respected
Genes. 25 & 49.
Deut. 21 & 15.
2. Paralip. 21. &c 3.
Exod. 3. & 2.
Rom. 9. & 13.
Genes. 28 & 27.

Thes and diuers other are the commodities
of succession, whervnto vve may also ad the
preheminence and priuilegde of primogenitura,
and auncetrie of birth, so much respected
& commended by holy writ, not only in men,
but in al other creatures also, whos first borne
were dedicated to God himselfe, and one no-
table example among other occurreth to my
mynde of the two sonnes of Isaac, of the which
two albeit God had ordeyned to chuse the
yonger before he was borne, at S. Paul testi-
frieth, and to reiect the elder, that is to say, that
Iacob shoulde inherite the benediction and not
Esau: Yet would God haue this yonget to pro-
cure the said priuilege of elder ship frō Esau by
diuers meanes as first by bargaine, and after by
guile according to the storie we read in Genes.
Two points to be noted. Out of which storie two points may be ponde-
red much to our purpose, first that primogeni-
tura or elder ship of birth(as I haue said) was
greatly respected by God, and according to that,
al the discents and successions of kinges were
commonly among that people, for that ordi-
narily the eldest sonne euer succeeded his father
in the crowne of Iury. And the second pointe
is, that God would shew euuen in this begining,
that yet this priuilege was not so inviolable,
but that vpon iust causes it might be broken,
as it was by this his choysse of Iacob the yōger,
and reiecting Esau the Elder: and many times
after in matter of gouernment the same was
practised by God him self, as vwhen Iuda the
fourth

fourth tribe and not Ruben the first & eldest
 was appointed by God to enjoy the scepter and
 crowne of the Iewes, as also when king David
 dyed, not his first second or third sonne, but his
 tenth in order, to wit, Salomon, who was also the
 fourth that he had by Bersabee, vvas appointed
 for his successor.

So that in very deede we haue here both our
 two cases, that were propounded in the begin-
 ing, querruled and determined by authority
 and example of holy writ it selfe, namely and
 first of al, that priority and propinquity of blood
 in succession, is greatly to be honored regarded
 and preferred in al affaires of dignity and prin-
 cipallity, and yet (which is the second pointe)
 are we not so absolutly & peremptorily bound
 therunto alwayes, but that vpon iust and vr-
 gent occasions that course may be altered and
 broken.

Which licence or liberty is indeed, the only
 (or at least wise) the most principal remedy for
 such inconueniences as do or may ensue of
 the course of succession, vvhich inconuenien-
 ces as before I shewed to be far lesse and fewer
 then are wont to follow of bare election alone,
 yet did I confesse also, that some did or might
 fal out, as namely that the person vvhich by suc-
 cession of blood is next, may be vnable or vnfit
 or pernicious to governe, in vvhich cases the
 remedy is (as before hath bin declared) ether to
 helpe and assist him by lawes directions and
 vwise councells, if he be capable therunto
 or els

Genes. 29
 & 49.
 Exod. 1.

2. Reg. 5.
 1. Paral. 3.

or els to remoue him and take in another of the same blood royal (though further of in degree or propinquity) in his place.

And this is and hath bin the custome and practice of al kingdones and common vwealthes from the beginning , since succession hath bin establis hed among them , as afterwards I shal demonstrate vnto you by great store of euident examples and presidentes , & by this meanes vve come to remedy the difficulties and inconueniences of both kindes of making our kings and princes, vwhich are election, and succession, as hath bin said : for by succession vve do remedy the inconueniences and dangers

Election
de success-
sion do
heape the
one tho-
gher before mentioned of bare election , to vvit of strife, banding, ambition , and the like : and by this other meane of adding also election consent and approbation of the realme to succession , vve remedy the inconueniences of bare succession alone , vwhich inconueniences are principaly, that some vn-apt impotent or euel prince may be offered some times to enter by priority of blood,vvherof the realme may deliuer it selfe , by this other meanes of not admitt ing him, so as election by succession , and succession agayne by election is salued , & the one made a preservative and treacle to the other: & this is the vvisdome and high policie left by God and nature,to euery common vwealth, for ther owne conservation and maintenance, and euery man that is of reason and iudgment , and void of passion wil not only allow , but also

also highly commend the same.

Now then to answere in particular to the two questions made at the beginning of this speech, to vvit, vwhat is to be attributed to succession alone, and secondly vwhat interest a prince hath ther-by to any crowne, before he be crownd or admitted by the comon vwealth:

To the first I say, that to succession alone or priority of blood only, great honor, reuerence, and respect ought to be borne, as before hath bin declared, for that it is the principal circumstance and condicione vwhich leadeth vs to the next succession of the crowne infallibly, and vwithout al strife: if his propinquity be cleare and evident, and that other necessary circumstances and conditions do concurr also in the same person, vwhich condicions vvere appointed and set downe at the same time, and by the same authority that this law of succession vvas establis hed, for that both the one & the other of thes two points, vvere ordyned by the comon vwealth, to vvit that the elder and first in blood should succeede, and that he should be such a person as can and vvit governe to the publique vveale of al, as often and largely before hath bin auouched and proued.

To the second question I answere, that an heire apparent to a crowne before his coronation and admission by the realme, if he haue the conditions before required, hath the same interest to the kingdome, vwhich the king of Romans, or Cesar hath to the Germane em-
pyre

Answere
to the 2.
principal
questions

Successio-
greatly to
be respe-
cted.

Vwhat an
heire ap-
parent is
before his
coronatio-

pyre after his election and before he be crownded: or to vse a more familiar example to English men , as the Mayor of London hath to the mairaltie; after he is chosen and before he be admitted, or haue taken his oth. For as this man in rigour is not truly mayor, nor hath nor his iurisdiction before his oth and admission, nor the other is properly Emperor before he be crowned , so is not an heyre apparent ; truly king though his predecessor be dead , and he next in succession , vntil he be crowned or admitted by the common vwealth.

Examples
of maria-
ge.

An other example is ther in mariage also vtherby our matter is made more playne, for in this contract go both the betrothing and actual ioyning together of the parties in wedlock, the first is done by wordes *de futuro* or for the time to come , and is not properly mariage, but espousal only, the other is by vwoths *de praesenti* that is by mutual present consent giuen of both parties , and this seconde is only and properly true mariage , which two points are expressly represented in the state of an heyre apparent and of a crowned king, for that the heyre apparent by propinquity of blood , is only espoused or betrothed to the common wealth, for the time to come, and is marryed afterwards by present mutual consent, of both parties , in the contract and knitting vp of the matter , at his coronation, by the othes vwhich ether part maketh the one to take the other, & by putting on the ring and other wedding garments before men .

re mentioned in ther coronations, by al vwhich the heyre apparent, (vwhich before vvas but espouse,) is made now the true king and husband of the common vwealth, vwhich before he was not , by only succession , but only a betrothed spouse or designed king , as hath bin declared.

Wherfore it followeth also , that the com-
mō vwealth oweith no allegiance or subiection
vnto the heyre apparent in rigour of iustice,
vntil he be crowned or admitted , though his
predecessor be dead, for that in very deede vntil
that time , he is not ther true king & souera-
ine, though for better keping of order & auoy-
ding of tumults, al common wealthes lightly
that haue ther princes by succession , haue or-
deyned in thes later ages, that from the death of
the former princes , al matters of gouernment
shal passe in the name of his next successor (if
his succession be cleere) and this (as I say) for
auoyding of garboyles, and vnder supposal of
confirmation and approbation afterward of
the cōmon wealth, at his coronatiō , for which
cause also, and for better accompt of yeates, it
was ordeyned that the beginning of the suc-
cessors reigne, shoule be reckoned from the day
of the death of his predecessor, and not from
the day of his coronation, as otherwise in rigor
it ought to be, and as in old time it was accusto-
med to be as Girard secretary and chronicler of
France, doth wisely note, in his third booke of
the estate and affaires of France , to wit, that

VVhat
respect is
devy to
au heyre
apparent,

VVhy
Princes
do cōpe
ther yea-
res front.
the death
of ther
predeces-
tors.

Girard da
Haillan L
3. del'e-
state pag.
kings 241.

kings in old time vvere vvoid to accompt the
yeares of ther reiges from the day only of ther
annoynting and coronation.

No heire
apparent
K. before
his coro-
nation.

An eu-
ident Ar-
guement.

This pointe also that heires apparent are not
true kings vntil ther coronation; how iust soe-
uer ther title of succession otherwise be, and
though ther predecessors be dead; it might be
confirmed by many other arguments, but espe-
cially and aboue al others, for that the realme
is as ked agayne three times at their coronatio,
Whether they wil haue such a man to be king, or no, as
before hath bin shewed, which thing vvere in
vayne to aske if he vvere truly king, as Belloy
sayeth, before his coronation.

Againe we see in al the formes and different
manners of coronations, before recited, that
after the prince hath sworne diuers times to
gouerne wel and iustly, then do the subiects
take other othes of obedience and allegiance
and not before, which argueth that before they
were not bounde vnto him by allegiance, and
as for the princes of Ingland, it is expressly no-
ted by English historiographers in ther coro-
natiōs, how that no allegiance is dew vnto the
before they be crowned, & that only it happe-
ned to Henry the fifth, among al other kinges
his predecessors to haue this preuilege, and this
A rare
example
of King
Henry V. for his exceeding to-wardlynes, & for the great
affection of the people towards him, that he
had homage donne vnto him before his coro-
nation, and oth taken. Whereof Polidor writeth
in thes wordes: *Princeps Henricus facto patris fu-*
nere,

Here, concilium principum apud Westmonasterium con- Polydot.
 uocandum curat, in quo dum de rege creando more mi- virg.lib.
 iorum agitabatur, esse tibi, continuo aliquot Principes 22.histor.
 vltro in eius verba mirare coepérunt, quod benevolentie Anglia in
 officium nulli antea priusquam rex renunciatus esset,
 præstitum constat, adeo Henricus ab ineunte aetate spem
 omnibus optimæ iudolis fecit. Which in English is
 this, Prince Henry after he had finis hed his fa-
 thers funerals, caused a parliament to be gathe-
 red at Westminster, wher vwhiles consultation
 vvas had, according to the ancient custome of
 Ingland, about creating a new king, behold
 vpon the sudden certaine of the nobility of
 ther owne free vvilles, began to sweare obe-
 dience and leyaltie vnto him, vwhich demon-
 stration of loue and Good vvil, is wel knowne,
 that is was neuer shewed to any Prince before,
 vntil he vvas declared king: so great vvas the
 hope that men had of the towardlynes of this
 Prince Henty, euen from his tender age, thus
 far Polidot in his story of Ingläd. And the very
 same thing expresteth Iohn Stow also in his
 chonicle in thes vwordes. To this noble Prince by
 assent of the parliament, al the states of the realme after
 three dayes offred to do fealtie before he was crownded,
 or had solemnized hū oth Wel and iustly to governe the
 common wealth, which offer before was never found
 to be made to any Prince of Ingland, thus much Stow.
 in vwhose narration as also in that of Polidot it
 may be noted: that king Henry the fist vvas
 not called king vntil after his coronation, but
 only Prince, though his father king Henry the

Polidot.
virg.lib.
22.histor.
Anglia in
vita Hen-
rici V.

Notes of
this act.

2.

fourth had bin dead now almost a month before, and secondly that the parliament consulted *de Rege creando more maiorum*, (as Polidor his vwords, are) that is, of making a new king according to the ancient custome of ther auncestors, vwhich argueith that he vwas not yet king, though his father were dead, nor that the manner of our old Inglis h ancestors, vwas to accompt him so, before his admission.

Thirdly that this demonstration of good wil of the nobility to acknowlege him for king before his coronation, and oþer solemnized tyme and iustly to governe the realme, was very extraordinary and of meere good wil. And last of al, that this was never donne to any Prince before King Henry the first, al which pointes do demonstrate, that it is the coronation and admission, that maketh a perfect and true king, whatsoeuer the title by succession be otherwise, & that except the admission of the common wealth be ioyned to succession, it is not sufficient to make a lawful king, and of the two, the second is of far more importance, to vvit the consent and admission of the realme, then nearnes of blood by succession a lone.

Admissio
n of more
importan
ce then
successio.

This I might proue by many examples in England it selfe wher admission hath preuyaled against right of succession, as in William Rufus that succeeded the Conquerer, and in King Henry the first his brother, In King Stephen, King John and others, vwho by only admission of the realme were kings, against the order of succession,

succession, as after more at large I shal shew you in a particular spech vwhich of this point, It hal make unto you, and very specially it may be seene, in the two examples before mentioned of the admission of the two kings Henry and Edward, both surnamed the fourth, vvhos entrances to the crowne, if a man do vvel consider, he shal find that both of them, founded the best part and most surest of their titles, vpon the election consent, and good wil of the people: yea both of them at their dying dayes hauing some remorse of cōscience (as it seemed) See ther lastvordes for that they had caused so many men to dye to ther for mayntenance of ther seueral rightes and friendes titles, had no better way to appease ther owne In sic Tho mynds, but by thinking that they were placed Moore & Stovv. in that rōme by the voice of the realme, and consequently might lawfully defend the same, & punish such as went about to depriue them.

Moreouer you shal finde, if you looke into the doings of Princes in al ages, that such kings as vvere most politique, and had any least doubt or suspicion of troubles about the title, after ther deathes, haue caused their sonnes to be crowned in their owne dayes, trusting more to this, then to their title by succession, though they vvere neuer so lawfully & lineally discended. And of this I could alleage you many examples out of diuers countryes but especially in France, since the last lyne of Capetus came vnto that crowne, for this did Hugh Capetus himselfe procure to be donne, to Robert his

eldest sonne, in his owne dayes, and the like
did king Robert procure for his yonger sonne.

Hirrd du Haillan. Henry the first, as Girard holdeth, and excluded
lib. 6. hist. his elder only by crowning Henry in his owne
an. 1001. daies: Henry also did entreat the states of France
An. 1032.
An. 1061. (as before you haue hard) to admitt & crowne
Phillip the first, his eldest sonne, vwhiles him-
selfe reigned, and this mans sonne *Luys le Gros*,
An. 1131. did the same also vnto two sonnes of his: first
to Phillip, and after his death to Luys the yon-
ger, both vwhich vwhere crowned in ther fa-
thers life time, & this Luys agayne the yonger,
vwhich is the seventh of that name, for more
An. 1180. assuring of his sonne named Phillip the secōd,
entreated the realme to admit & crowne him
also in his owne dayes, vwith that great solem-
nity, vwhich in the former chapter hath bin
declared.

And for this very same cause of securitie, it is
not to be doubted, but that alvvayes the prince
of Spayne is sworne and admitted by the real-
me, during his fathers reigne, as before hath
bin said. The same consideration also moued
3. Reg. 1. king Dauid, to crowne his sonne Salomon in
his owne dayes, as afterward more in particu-
lier shalbe declared, and finally our king Henry
also the second of Ingland, considering the al-
teration that the realme had made in admit-
ting king Stephen, before him, against the or-
der of lineal successiō by propinquity of blood:
and fearing that the like might happen also
after him, caused his eldest sonne named, like-
**Polyd. &
Stoyv in
vita Hen-
rici II.** wise

wise Henry, to be crowned in his life time, so as England had two king Henryes living at one tyme, vviith equal authoritie, and this was done in the 16.yeare of his reigne, and in the yeare of our lord 1170. but his deuise had no good successe, for that king Henry the yonger made war soone after vppō king Henry the elder, & had both the kings of France and Scotland, & many nobles of Ingland and Normandie, to take his part, for which cause it is thought, that this thing hath neuer bin put in practise againe since that tyme in Ingland, but yet heer-
by it is euident, what the opinion of the world vvas in those daves, of the force of coronation, and admissiōn of the common vwealth, & how little propinquitie of blood preuaileth vwith-
out that.

And for more ample profe heeroft and fuller
conclusion of al the whole matter, I had thought
to haue laid downe also in this place, some
number of the most notorious examples, that I
hane read, (for I haue read many) vtherin the
commō vwealth vpon iust occasions hath ex-
tended her authority to alter the natural course
of succession by birth, but for that the thing
requireth , some litle study and loking ouer
some notes, that I haue taken out of stories, for
helpe of memorie: I shal deferr it vntil our
next meeting, atvwhat tyme I shall by Gods
grace make this pointe very cleere, and so ende
my vwhole discourse, for I see that I haue bin
much longer then at the beginiung I purposed

The occa-
sion of
the next
chapter.

and now I desire much to giue place vnto our temporal lawyer, heere present, vvhho (I doubt not) hath matter to say of more delectation & pleasure, then this, though you of your curtesies haue done me so much fauour as to heare me hitherto vwith patience and attention. Whervnto the vvhole company answered, that not vwith patience, but vwith great pleasure delight and contentation, they had hard him, and so they vwould do the temporal lawer also in his turne, but yet they desired him that nothing of this discourse might be omitted, but vvholy finished, for that it gaue very great satisfaction to al, and opened many important pointes vnto them, vvhich they had neuer thought of before, and vwith this they parted for that nighte euery man vnto his loging & habitation.

HOVV THE NEXT IN
SVCCESSION BY PROPIN-
QVITY OF BLOOD, HATH OFTEN-
tymes bin put back, by the common wealth, & others
further of admitted in their places, euen in those
kingdomes where succession preuaileth, with
many examples of the kingdomes of
Israel, and Spayne.

C A P. VII.

AT the next meeting the Ciuilian came in very pensiue, as though his head had bin ful of

ful of study, vvhерof being asked the reason, he answered, that he had revolued many stories since his departure about the pointe vvhich he promised to treat of, & that he had found such store and great variety of matter, as he knew ^{utilian} not vvel vwher to begin, and much lesse where ^{cloyed} to end: for (quoth he) if I should begin with ^{with co.} the Grecian kinges before mentioned, it vvere infinite that might be alleged, and perhaps some man vwould say, they vvere ouer old, and far fetched examples, and cannot be presidents ^{obiection} to vs in these ages, & if I lay before you the examples of Romane kings and emperors put in and out, against the law and right of succession: the same men perhappes vil answer, that it vvas by force, and iniury of mutinous souldiars, whervnto that common wealth was greatly subiect. And if I should bring forth any presidents and examples of holy scriptures, some other might chance to reply, that this was by particuler priuilege, vwherin God almighty would deale and dispose of things against the ordinary course of mans law, as best liked himself, whose wil is more then law, and whose actions are right it selfe, for that he is lord of al, and to be limited by no rule, or law of man, but yet that this is not properly the acte of a common wealth as our question demanndeth.

Thus (I say) it may be, that some man would reply, and therfore having store inough of plaine and euident matter, vvhich hath no exception, for that it hath happened in seuled

commō vvealthes, & those neere home, where
the law of succession is receaved and establis-
hed, to vvit, in Spayne, France, and Ingland: I
shal retyre my selfe to them alone: but yet put-
ting you in mynd before I passe any further,
that it is a matter much to be marked how god
delt in this poynt vwith the people of Israel, at
the beginning, after he had graunted to them,
that they shoulde haue the same gouerment of
kings, that other nations round about thē had,
vhos kings did ordinarily reigne by succession
as ours do at this day, and as al the kings of the
Iewes did afterwards, and yet this not-vvith
standing, God at the beginning, to vvit, at the
very entrance of their first kings, vwould shew
playnely that this law of succeding of the one
the other, by birth and propinquity of blood,
(though for the most part, it shoulde preuaile)
yet that it was not so precisely necessary, but
that vpon iust causes it might be altered.

For prooфе wheroft, we are to consider, that
albeit he made Saule a trew and lawful king
ouer the Iewes, & consequently also gaue him
al kingly priuileges benefits and prerogatiues
belonging to that degree and state, wheroft one
principal (as you know) is to haue his children
succede after him in the crowne: yet after his
death God suffred not any one of his generatio-
to succed him, though he left behinde him
many children, and among others If boſeth a
prince of 40. yeares of age vvhom Abner the
general captayne of that nation, with eleuen tribes
followed

The ex-
ample of
the Iewes
3. Reg. 8.

King Sau-
le.

3. Reg. 2.
& 21.

followed for a tyme , as their lawfull lord and master by succession, vntil God checked them for it , and induced them to reject him though heyre apparent by discent, and to cleave to Dauid newly elected king, vvhio vvas a stranger by birth , & no kynne at al to the king deceased.

And if you say heere that this vvas for the sinne of Saule , vvhom God had rejected , I do confesse it , but yet this is nothing against our purpose , for that vve pretend not that a prince that is next in blood can iustly be put back , except it be for his owne defects , or those of his ancestors . And moreouer I vwould haue you consider , that by this it is euident , that the fault of the father may preiudicate the sonnes right to the crowne , albeit the sonne haue no parte in the fault , as vve may se in this example not only of I^shoseith that vwas punisched and deprived for the offence of Saul his father (not with standing he had bin proclaymed king as hath bin said) but also of Ionathas Saules other sonne , vvhio vvas so good a man , and so much praysed in holy scripture , & yet he being slayne in warr , and leauing a sonne named Miphiboseth ^{2. Reg. 9.} he vvas put back also , though by nearnes of blood he had great interest in the succession as you see , and much before Dauid .

But Dauid being placed in the crowne by election , free content , & admission of the people of Israel , as the scripture playnly testifieth (though by motion and direction of God him selfe) we must confesse , and no man I thinke ^{2. Reg. 2. & 5.}

**vvil deny, but that he had giuen vnto him ther
whith, al kingly priuileges preheminences and
regalities, euен in the highest degree, as vvas
conuenient to such a state, and among other,
the scripture expreſſly nameth, that in particu-
ler it vvas assured him by God, that his ſeede
ſhould reigne after him: yea and that for euer, but yet
vve do not finde this to be performed to any
of his elder ſonnes (as by order of ſucceſſion it
ſhould ſeme to appertaine) no nor to any of
their ofſpring or diſcents, but only to Salomō,
vvhich was his yonger and tenth ſonne, and
the fourth only by Bersabee, as before hath bin
touched.**

Trew it is, that the scripture recounteth how
Adonias Dauids elder ſonne, that vvas of rare
bewty & a very godly yong prince, ſeing his fa-
ther now very old & impotent, & to lye on his
death bedd, & himſelfe heire apparent by anti-
quitie of bloode, after the death of Absalon, his
elder brother that was ſlayne before, he had de-
termined to haue proclaimed himſelf heire ap-
parēt in Ierusalem before his father died, & for
that purpose had ordeyned a greate assembly &
banquet, had called vnto it both the high preift
Abiathar, & diuers of the cleargie, as alſo the
general captaine of al the army of Israel named
Ioab. With other of the nobility and vwith the al
the rest of his bretherē, that were ſonnes to king
Dauid, ſauing only Salomō, together vwith ma-
ny other princes & great men, both ſpiritual &
temporal of that estate, and had prepared for
them

2. Paral. 131.

2. Paral. 6.

**Adonias
the elder
ſonne re-
jected.**

2. Reg. 1.

them a great feast as I haue said, meaning that very day to proclayme himselfe heyre apparent to the crowne, and to be crowned, as in deed by succession of blood it appertayned vnto him: The mo.
times of
Adonias. and this he attempted so much the rather, by councel of his frends, for that he saw the king his father very old and imⁱpotent, and redy to dye, and had taken no order at al for his succellor, and moreouer *Adonias* had vnderstood, how that Bersabee Salomons mother had some hope to haue her sonne reigne after Dauid, vpon a certaine promise that Dauid in his youth had made vnto her therof, as also sⁱhe had in the special fauour and frendship which Nathan the Prophet, and Sadoc the preist (who could do much vwith the old king Dauid) did beare vnto her sonne Salomon, aboue al the rest of his brethren.

Hetevppon (I say) these two that is to saye, Persuatiō
to King
Dauid to
make Sa-
lomon his
successor. Queene Bersabee & Nathan the Prophet, coming together to the old man, as he lay on his bedd, and putting him in mynd of his promise, and oth made to Bersabee for the preferment of her sonne, and shewing besides how that *Adonias* whithout his order and consent, had gathered an assembly to make himselfe king, euen that very day (which did put the old king in very great feare and anger) and further also telling him (vvhich pleased him wel) *quod oculis totius Israel in eum respicerent, vt indicaret eis, quis federet in solo suo post ipsum:* that is, that the eyes of al Israel vvere vpon him to see whom he would

would commend vnto them, to sit in his seat after him, which was as much to say, as that the vy whole commō wealth referred it to his choise, which of his sonnes shoulde reigne after him.

The coro-
nation of
Salomon.

3. Reg. 1.

Vpon these reasons and persuasions (I say) the good old king was cōtent that they shoulde take Salomon out of hand, and put him vpon the kings owne mule, and carry him about the streets of Ierusalem, accompaigned whith his gard and court, and crying whith sound of trumpets *Viuat Rex Salomon*, and thit Sadoc, the preist shoulde annoynct him, and after that he shoulde be brought back, and placed in the royal throne in the pallace, and so in deed he was: at what time king Dauid himselfe being not able through impotencie, to rise out of his bedd, did him honor and reverence frout the place vther he laye: for so saith the scriptures *adorauit rex in lectulo suo*, king Dauid adored his sonne Salomon thus crowned, euen from his bedd, al vwhich no doubt though yt may seeme to haue bin vvrrought by humane meanes and pollicy, yet must vve confesse that it vvas principally by the special instinct of God himselfe, as by the sequel and successe vve see, so that hereby also vve are taught, that these & like determinations of the people, magistrates, & cōmon vwealthes, about admitting or refusing of princes to reigne or not to reigne ouer them, vwhen their designements are to good endes, and for iust respects and causes, are allowed also by God, and oftentymes, are his owne

A poynte
to be no-
ted.

owne special dirstes and dispositions, though they seeme to come from man.

Wherof no one thing can give a more euident proofe, then that which ensued afterward to prince Roboam, the lawfull sonne and heire of this king Salomon, who after his fathers death comming to Sichem wher al the people of Israel vvere gathered together, for his corona^{3. Reg. 11.}tion, and admission, according to his right by succession. For vntil that time vve see he was not accounted true kinge, though his father was dead, and this is to be noted, the people began to propose vnto him certayne conditions, for taking away of some harde and heauy impositions, layed vppon them by Salomon his father, (an euident president of the oth and conditions that princes do swere vnto in thes dayes at their coronation) vvhervnto vwhen Roboam refused to yeild, ten tribes of the twelue refused to admit him for their king, but chose rather one Ieroboam Roboams seruant, that was ^{2. Reg. 11.} a meere stranger and but of poore parentage, & made him ther lawfull king, & God allowed therof as the scripture in expresse vvords doth testifie: and vwhen Roboam that toke himselfe to be openly iniuried heerby, vvould by armes have pursued his title, and had gathered together an armie of a hundred and fower score thoy sand chosen souldiars (as the scripture sayeth) to punish thes rebells as he called the, & to reduce thes io tribes to their due obediēce of ther natural prince: God appeered vnto one

Semeia

^{5. Reg. 12.}
& 21.

The manner
of ad-
mission
of the
prince
Roboam.

Semeia a holy man, & bad him go to the campe
of Roboam, and tel them playnely that he would
not haue them to fight against ther bretheryn,
that had chosen an other king, but that euery
man shoulde go home to his house, and liue
quietly vnder the king, vvhich each party had,
and so they did, and this was the end of that
tumult, vvhich God for the sinnes of Salomon
had permitted and allowed of. And thus much
by the way I thought good to touch out of
holy scripture, concerning the Iewish cōmon
wealth, euen at the beginning, for that it may
giue light to al the rest vvhich after I am to
treate of, for if God permitted and allowed this
in his owne common wealth, that vvas to be
the exāple and paterne of al others, that shoulde
ensew: no doubt but that he approueth also the
same in other realmes vvhenn iust occasions are
offred, either for his seruice, the godd of the
people and realme, or els for punishment of
the iunnes and wickednes of some princes, that
the ordinary line of succession be altied.

Now then to passe on further, and to begyn
with the kingdomes of Spayne, supposing
euer this ground of Gods ordeneance, as
hath bin declared: first I say, that Spayne hath
had three or fourer races or discents of kings, as
France also and Ingland haue had, and the first
race was from the Gothes, which began their
raigne in Spayne after the expulsion of the
Romans, about the yeare of Christ 416. to whō
the Spaniard referreth al his old nobility, as
the

**Fourer ra-
ces of
Spanish
Kings.**

**Ambros.
moral.
lib. 11.
hist. c. 12.**

the french man doth to the German Franckes,
and the English to the Saxons, which entred
France and Ingland in the very same age, that
the other did Spayne, & the race of Gothys h
kynges indured by the space of 300. years
vntil Spayne was lost vnto the Moores.

The second race is from *Don Pelayo* that was
chosen fist king of *Asturias*, and of the moun-
tayne countrey of Spaine, after the distruption
therof by the Moores, about the yeare of Christ
717. as before hath bin touched, which race
contynced & increased, & added kingdome
vnto kingdome for the space of other three
hundred yeares, to wit vntil the yeare of Christ
1034. when *Don Sancho* mayor king of Nauarra
gat vnto his power, the Earldome also of Ara-
gon and Castilia, and made them kingdomes,
and deuided them among his children, and to
his second sonne, named *Don Fernando*, surna-
med afterward *the great* he gaue not only the
said Earldome of Castilia with title of king-
dome, but by mariage also of the sister of *Don*
Dermudo king of Leon, and Asturias, he ioyned
al those kingdomes together, & so began from
that day forward the third race of the kings of
Nauarre to reigne in Castel, and so indured for
fyuehundred yeares vntil the yeare of Christ
1540. whē the house of Austria entred to reigne
ther, by mariage of the daughter and heyre of
Don Ferdinand surnamed the Catholique, and
this was the fourth race of Spanish kings after
the Romans, which endureth vntil this day.

2. Race.

*Ambros.
moral.
lib. 13. c. 2**Moral.
lib. 37. c. 42. 43. 44*

3. Race.

*Garibay
lib. 20. c. 8*

4. Race.

And

Examples
of the first
race.

And albeit in al thes foure races and ranckes of royal discents, diuers exāples might be alleaged for manifest proofe of my purpose : yet wil I not deale whith the first race, for that it is euident by the councels of Toledo before alleaged (which were holden in that very time) that in those dayes expresse election , was ioyned with succession, as by the deposition of king Suintila and putting back of al his children : as also by the election & approbation of king Sisimando that was further of by succession , hath bin insinuated before , & in the fyft councel of that age in Toledo , it is decreed expresly in these wordes: *Si quis talia meditatus fuerit* (talking of pretending to be king) *quem nec electio omnium perficit . nec Gothicæ gentis nobilitas ad hunc honoris apicem trahit : sit consortio Catholicorum priuatus , & diuino anathemate condemnatus.* If any man shal " imagin (said thes fathers) or go about to aspire " to the kingdome, whom the election & choise " of al the realme, doth not make perfect, nor " the nobility of the Gotish nation , doth draw " to the heighth of this dignity : let him be de- " priued of al Catholique society, and damned by " the curse of almighty God, by which woordis is " insinuated, that not only the nobility of Go- " tish blood, or neernes by succession was requi- " red for the making of ther king , but much " more the choise or admission of al the real- me, wherin this councel putteth the perfection " of his title.

The like determinatiō was made in an other council

Council
Tol. s.c. 3.

council at the same place, before this that I haue alleaged, & the vwordes are these. Nullus apud nos presumptione regnum arripiat sed defuncto in pace principe, optimates gentis cum sacerdotibus successorem regni communi concilio constituant. Which in Inglysh is thus, let no man with vs snatche the kingdome by presumption, but the former Prince being dead in peace, let the nobility of the nation, together with the Priests and cleargie, appoint the successor of the kingdome, by common councel, which is, as much to say as if he had said, let no man enter vpon the kingdome by presumption of succession alone, but let the Lords temporal and spiritual, by common voice, see vwhat is best for the vveal publique.

Now then, according to thes ancient de- Examples
crees, albeit in the second race of *Don Pelayo*, the of the 2.
law of succession by propinquity of blood, was race.
renewed, and much more established then before, as the ancient bishop of *Tuys* and *Molina*, Episcop.
and other spanish vwriters do testifie: yet that Tuyens I.
the next in blood was oftentimes put back by 1. histoir.
the common wealth vpon iust causes, thes ex- Ludou.de
amples following shal testifie, as breefly recou- Molin. li.
ted as I can possibly. de hared.

Don Pelayo died in the yeare of our Lord 737. King Dom
and left a sonne named *Don Fauila*, who vvas Pelayo.
king after his father, and reigned two yeares
only. After whos death, none of his children
were admited for king, though he left diuers,
as al writers do testifie. But as *Don Lucas* the

Ambros.
Mor. l. 13.
cap. 6.9.
10.

Bishop of Tuy a very ancient author vviriteth,
Aldefonsus Catholicus ab vniverso populo Gothorum
eligitur, that is (as the chronicler Moralis doth
translat in spanish) *Don Alonso* surnamed the
Catholique, was chosen to be king by al voices
of the Gotish nation. This *Don Alonso* was sonne
in law to the former king *Fauila*, as *Morales*
sayeth, for that he had his daughter *Ermenesenda*
in mariage, & he was preferred before the kings
owne sonnes, only for that they were yonge &
vn-able to gouerne, as the said historiographer
testifyeth. And how wel this fel out for the cō-
mon wealth and how excellent a king this *Don*
Alonso proued, *Morales* sheweth at large, from
the tenth chapter of his thirteenth booke vntil
the 17. and *Sebastianus* Bishop of *Salamanca*,
that liued in the same tyme, writeth that of his
valiant acts he was surnamed *the great*.

Sebast.
Episc. Sa-
lam in
hist. Hisp.

K. Don
Alonso y
Dō frue-
la.

Moral. li.
33. cap. 17
An. 768.

To this famons *Don Alonso*, succeeded his sonne
Don Fruela the first of that name, who was a
noble king for 10. yeares space, and had diuers
excellent victories against the Moores, but af-
terward declining to tyrannie, he became hate-
ful to his subiects, and for that he put to death
wrongfully his owne brother *Don Vimerano*, a
Prince of excellent partes and rarely beloued of
the Spaniards, he was him selfe put downe, and
put to death by them in the yeare of Christ
768. And albeit this kyng left two goodly
children behinde him, which were lawfully
begotten vppō his Queene *Dona Munia*, the one
of them a sonne called *Don Alonso*, & the other a
daughter

Many
breaches
of success-
sion.

daughter called *Dona Ximea*: yet for the hatred
conceaneed against ther father, neyther of them
was admitted by the realme to succede him,
but rather his coisen german, named *Don Aurelio*
brothers sonne to *Don Alonso the catholique*, vvas
preferred, and reigned peacably six yeares, and
then dying without issue, for that the hatred of
the spaniards, was not yet ended against the
memory of king *Fruela*, they would not yet ad-
mit any of his generation, but rather excluded
them agayne the seconde tyme, and admitted a
brother in law of his, named *Don Silo*, that was
married to his sister *Dona Adosinda* daughter to
the fore said noble king *catholique Alonso*.
King Don Silo.

So that here we see twise the right heyses of
king *Don Fruela* for his euel gouernment were
put back.

But *Don Silo* being dead without issue, as also
Don Aurelio was before him, and the Spaniards
anger against king *Fruela* being now vvel ass-
uaged, they admitted to the kingdon e his fore
said sonne, *Don Alonso the yonger*, surnamed
afterward the chaste, whom now twise before
they had put back, as you haue seene, but now
they admitted him, though hisreigne at the first
endured very litle, for that a certayne bastard
vnkle of his, named *Don Mauregato* by help of
the moores put him out, and reigned by force
6. yeares, and in the end dying with out issue,
the matter came in deliberation againe, whe-
ther the king *Don Alonso the chaste* that yet li-
ued, and had bin hidden in a monastary of

*King Don
Alonso
the chaste.*

Mor 113.
cap. 25.

A strange
delibera-
tion.

Great au-
thoritie
of comon
wealthe.

Galitia,during the tyme of the tyrat,should returne agayne to gouerne, or rather that his co-sen german *Don vermudo* sonne to his vncle, the Prince *Vimerano* (whom vve shewed before to haue byn slayne by this mans father king *Fruela*) should be elected in his place. And the realme of Spayne determined the second, to vvir,that *Don Vermudo* though he vvere much further of, by propiuquity of blood, and vwith in ecclesiastical order also (for that he had bin made deacon) should be admitted, partly for that he vvas iudged for the more valiant and able Prince, then the other,vvho seemed to be made more acquainted now vwith the life of monkes, and religious men, then of a king, ha- uing first bin brought vp among them for 10. or 12.yeares space , vvhiles *Don Aurelio* and *Don Silo* reigned after the death of his father kinge *Fruela*,and secondly agayne other six yeares,du- ring the reigne of the tyrant *Mauregato*, for which cause,they esteemed the other to be fitter, as also for the differēt memories of there tvo fathers king *Fruela* and prince *Vimerano*, wherof the first vvas hateful,& the other most deare,as before hath bin declared, nether do any of the fourē ancient Bishops historiographers of Spayne,to wit,that of Toledo, *Besa*, *Salamanca* or *Ture*,that liued al about those dayes & wrote the storie, reprehend this fact of the realme of spaine,or put any doubt whether it were lawful or no for the causes before recited.

Trew it is, that after three yeares reigne, this
king

king Vermudo being weary of kingly life, and
 feeling some scruple of conscience, that being
 deacon, he had forsaken the life ecclesiastical,
 and maryed (though by dispensation of the
 pope as *Morales* sayeth) and entangled himselfe
 vwith the affaires of a kingdome, he resigned
 vwillingly the gouernment vnto his said Cosen,
Don Alonso the chast, and himselfe liued after a
 priuate life for diuers yeares, but this *Don Alonso*
 vwho now the fourth tyme, had bin depriued
 of his succession, as you haue seene, deceaued
 the expectation of the spaniards, that accoupted
 him a monke, for he proued the most valiat
 and excellent king that euer that nation had,
 both for his vertue, valor, victories, against the
 moores, buylding of townes, castells, churches,
 Monasteries, and other such workes, of Chri-
 stianity, as *Morales* recounteth: and be reigned
 after this his last admission, one and fyftie yea-
 res, & had great frendship vwith king Charles
 the great of France, who liued in the same
 tyme with hym. And this man among other
 most noble exploites so tamed the Moores of
 his country, as during his dayes, he neuer paid
 that cruel and horrible tribute which before &
 after was paide by the christians to the Moores,
 which was a hundred yong maidens and fiftie
 sonnes of Gēlemen, euery yeare to be brought
 vp in the religiō of *Mahomet*, amōg those infidel
 tyrants. And finally this man after so much
 afflictio came to be one of the most renoumed
 Princes of the world.

K. Alonso
 the chast
 reyneth
 the secōd
 tyme.

Moral c.
 23. & 29.
 An. 791.

Moral. li.
 13. cap. 45
 46. Anno
 842.

A horible
 tribute.

After this Don Alonso, vvhoso left no childdren, for that he would neuer marry, but liued al his life in chastitye, ther succeeded to him by electiō, King Dō his nephew named Don Ramiro sonne to the former said king Don Vermudo the deacon, that by election. gave this man the crowne, as you haue hard, of whose electiō Morales wrieth these woordes.

Moral.c. 51. *Muerto el Rey Don Alonso el casto, fue elegido por los perlados y grandes del reyno, el Rey Don Ramiro primero deste nombre, hyio del Rey Don vermudo el diacono.* That is, the king Don Alonso the chast being dead, ther vvas chosen king by the Prelates & nobility of the realme, Don Ramiro the first of this name, sonne of king Vermudo the deacon, who resigned his crowne to Don Alonso, and it is to be noted, that albeit this Don Ramiro vvas next in blood to the succession, after the death of his vncle Don Alonso without children, yet vvas he chosen by the states as here it is said in expresse vwordes.

Moreouer it is to be noted, that albeit this author Ambrosio Morales and other spanish writers do say that in the tyme of this king Ramiro, the law of succession by propinquity in blood vvas so ruined and strongly confirmed, that as the kingdome of Spayne was made as Maiorasgo as he termeth it, which is, an inheritance so intayled and tyed only to the next in blood, as ther is no possibility to alter the same, and that frō this tyme forward the king alwayes caused his eldest sonne to be named king or Prince, & so euer to be sworne, by the realme & nobilitie, yet

The king
dom of
Spayne a
Mai-
rasgo.

yet shal vve find this ordinance and succession oftentymes to haue byn broken vpon seueral considerations, as this author himselfe in that very chapter, confeileth.

As for example, after foure discents from this man, vwhich were *Don Ordonio* the first, this mans sonne, and *Don Alonso* the third, *Don Garzia* and *Don Ordonio* the second, al fower kings by orderly succession, it happened that in the yeare K. Don
of christ 924. *Don Ordonio* the second, dying, Ordonio.
left foute sonnes and one daughter lawfully
begotten, and yet the state of spayne displaced
them al, and gaue the kingdome to ther vncle
Don Fruela second brother to there father *Don*
Ordonio, and morales sayeth that ther appeareth Moral. I.
no other reason heeroft, but only for that these
sonnes of the king diseased vvere yong, and
not so apt to gouerne vvel the realme as ther
vncle was. 16. cap. I.
An. 924.

But after a yeares reigne, this king *Fruela*
dyed also, & left diuers children at mans estate,
and then did the spaniards as much agaynst
them, as they had done for him before, against
the children of his elder brother. For they put
them al by the crowne, & chose for their king,
Don Alonso the fourth which vvas eldest sonne
to *Don Ordonio* the second, before named, that
had bin last king sauing one, and this man also
(I meane *Don Alonso* the fourth) leauing afterward
his kingdome and betaking him selfe to a
religious habit, offered to the commō wealth
of spaine, his eldest sonne lawfully begotten
Don Alonso 4.

named *Dō Ordonio* to be there king, but they refused him, and tooke his brother (I meane this kings brother) and vncle to the yong Prince, named *Don Ramiro*, who reigned 19.yeares, and vvas a most excellent king, and gayned Madrid from the Moores, though noted of crueltie, for imprisoning & pulling out the eyes afterward of this king *Don Alonso* the 4. and al his children and nephewes, for that he would haue left his habit, and returned to be king againe. But this fact, my author *Morales* excuseth, saying that it vwas requisite for peace and safty of the realme, so as heere you see two most manifest alteratiōs of lineal succession together by order of the common wealth.

Furthermore, after this noble king *Dō Ramiro* the second, succeeded as heire apparent to the crowne his elder sonne, *Don Ordonio* the third, of this name, in the yeare of our Sauiour 950. but this succession indured no longer then vnto his owne death, which vvas after 7.yeares, for then albeit he left a sonne named *el enfante Don Vermudo*, yet he was not admitted, but rather his

Don Sancho the first of this name, surnamed *el Gordo*, vwho was vncle to the yong Prince, and the reason of this alteration. *Morales* giueth in thes wordes: *el suceder en el regno, al hermano*, *fue por la raçon ordinaria de ser el enfante, Don Vermudo niño y no bastante para el gouierno y difença de la terra.*

Which is, the cause why the kings brother and not his sonne succeeded in the crowne, vvas for the ordinary reason

Don Ramiro
Moral.lib. 19
cap. 20.
An. 930.

Don Ordonio 3.
An. 950.

Don Sancho 1.

Moral. I.
26 cap. 29
An. 950.

reason (so often before alleaged) for that the infant or yong Prince Vermudo, vvas a little child, and not sufficient for gouerment and defence of the countrey.

Truth it is, that after this Don Sancho had reigned, and his sonne and heire named Don Ramiro the third, after him, for the space of 30. yeares in all, then was this youth Don Vermudo (that is now put back) called by the realme to the succession of the crowne, and made kinge by the name of king Vermudo the second, vwho left after him Don Alonso, the 5. and he agayne his sonne Don Vermudo the thiid, who maryng his sister *Lona Sancha* (that was his heire) vnto *Don Fernando*, first earle, & then king of Castile, (who was second sonne to Don Sancho Mayor king of Nauarr as before hath b.n said) he ioyned by thes meanes the kingdomes of Leon and Castile together, which were seperat before, and so ended the line of *Don Pelayo*, first Christian king of Spaine, after the entrance of the Moores, which had endured now three hundredth yeares, and the blood of Nauarr entred as you see, and so continued therin vntil the entrance of those of *Austria*, as before hath bin said, which was almost 5. hundredth yeares together.

And thus much I thought good to note out of the stories of Spaine, for this first discent of the spanish kings, after the entrance of the Moores, nether meane I to passe much further, both for that it would be ouer long, as also for

that myne author, Morales, who is the most diligent that hath writhen the chronicles of that natⁱon, endeth heere his story with king *Vermudo* the third and last of the Gotish bloode.

**Spanish examples
in the second different.**

Notwithstanding if I would go on further, ther would not want diuers evident examples also to the same purpose, which Stephen Garabay an other chonicler of Spaine, doth touch in the continuation of this story, vtherof for examples sake only I wil name twayne or three among the rest.

An. 1201 And first about the yeare of Christ 1201. ther was a mariage made by king John of Inglad for *Dona Blancha* his neece, that is to say, the daughter of his sister Dame Elinor, and of *Don Alonso* the 9. of that name king and Queene of spaine, which *Blancha* was to mary the Prince of Frace, named *Luys*, sonne & heire to king Phillip sur-

Carib. li. 11. cap. 12 & 37. named *Augustus*, which *Luys* was after-ward king of France by the name of *Luys* the 8. & was father to *Luys* the 9. surnamed the saint.

This lady *Blancha* vvas neece as I haue said, vnto king John and to king Richard, the first of Inglad, for that her mother lady *Elenor*, was ther sister, and daughter to king Henry the second, and king John made this mariage, thet by to make peace with the French, and was content to giue for hir dowrey (for that he could not tel how to recouer them agayne) al those townes & countres which the said king Phillip had taken vpon the Inglysh, by this kings euel gouernement in Normandie and Gasconie,

Lady Elenor an Inglysh woman. Q. of Spayne.

Gasconie, and more ouer, promisse was made, that if the Prince Henry of spayne (that vvas the only brother to the said Lady Blāch) should dye without issue (as after he did) then this lady should succede in the crowne of Spaine also, but yet afterward the state of Spayne would not performe this, but rather admitted her yonger sister *Dona Berenguela*, maried to the Prince of Leon, and excluded both *Blanch* and her sonne the king *S. Luys* of France, agaynst the euident right of succession, and propinquity of blood, & the only reason they yealded hereof ^{13. cap. 10.} *An. 1207.* vvas not to admitt strangers to the crowne, as *Garabay* testifieth.

This hapned then, and I do note by the way, that this *Dona Berenguela* second daughter of Queene *Elenor* the Inglishe woman, was married (as hath bin said) to the Prince of Leon, and had by him *Don Fernando* the third of that name, king of Castilia, surnamed also the saint, so as the two daughters of an Inglishe Queene, had two kings saints for ther sonnes at one tyme, the elder of France and the yonger of Spayne.

After this againe, about threescore yeares the Prince of Spayne named *Don Alonso*, surnamed *de la cerda*, for that he was borne with a great gristle heare on his brest called *cerda* in spanis h, which *Don Alonso*, was nephew to the king *Fernando* the saint, & maried with the daughter of sainct *Luys* king of France, named also *Blanca* as her grand mother was, and had by her two sonnes called *Alonso* & *Hernando de la cerda* as the

*An Ing.
glishe Q.
grād mo-
ther to
two king
saints at
once.*

*An other
brech of
succesſiō.*

as the Prince their father was named, vwhich father of thers dying before the king, the grand father left them commended to the realme as lawful heyres apparent to the crowne, yet for that a certayne vnkle of thers named *Don Sancho* yonger brother to their father which *Dō Sancho* was surnamed afterward, *el brauo* for his valor and vvas a great wartier, and moie like to manage vvel the matters of warr then they: he was madde heyre apparent of Spayne and they put back in ther grand fathers tyme, and by his and the realmes consent, (ther father as I haue said being dead) and this was done in a general parliament holden at *Segouia*, in the yeare 1276. and after this, *Don Sancho* was made king in the yeare 1284. and the two Princes put into prisō, but afterward at the sute of there vnkle king Phillip the third of France, they were let out agayne and endued with certayne landes, and so they remaine vnto this day, and of thes do come the Dukes of *Medina Celi*, and al the rest of the house of *Cerda*, which are of much nobility in Spayne at this tyme, and king Phillip that reyneth cometh of *Don Sancho* the yonger brother.

Not long after this agayne, when *Don Pedra* surnamed the cruel king of *Castile*, was driuen out, and his bastard brother *Henry the second* set vp in his place, as before hath bin mentioned: the Duke of Lancaster *Iohn of Gant*, hauing maried *Dona Constantia* the said king peters daughter & heyre, pretended by succession the said

The Cer-
das put
bark from
the
crownē
1276.

Carabay
1.15.C. 1.
en. 1361.

said crowne of Castile, as indeed it appertayned vnto him, but yet the state of spaine denied it flatly, and defended it by atmes, and they preuailed against Iohn of Gant, as dyd also the race of Henry the bastard, against his lawful brother, & the race of *Don Sancho* the vncle, against his lawful nephewes, as hath byn shewed, and that of *Dona Berenguela* against her elder sister, al which races do reigne vnto this day, & thes three changes of the trew lyue, happened with in two ages, and in the third and principal discent of the Spanish kings, when this matter of succession was most assuredly and perfectly establisched, and yet who wil deny but that the kings of Spayne who hold by the later titles at this day, be true and lawful kings.

Well, one example wil I give you more out of the kyngdom of Portugal, and so wil I make an ende with thes countreyes. This kinge Henry the bastard last named king of Spayne, had a sonne that succeeded him in the crowne of Spayne, named Iohn the first, who maried the daughter and heyre named *Dona Beatrix*, of king *Fernando* the first of Portugal, but yet after the death of the said King *Fernando*, the states of Portugal would neuer agree to admit him for ther king, for not subiecting themselues by that meanes to the Castilians, and for that cause they rather tooke for ther king, a bastard brother of the said late king *Don Fernando*, whos name was *Don Iuan*, a youth of 20. yeares old who had bin master of a militare order in

*Many alterations
of lineal
discent.*

*Don Iohⁿ
the first
bastard
made
king of
Portugal.*

Portugal

Carib. L. 15 Portugal named *de Auiss*, and so they excluded
cap. 22. &
l. 34. c. 39. *Dona Beatrix* Queene of Cistile that was their
 lawful heyre, and chose this yong man, and mar-
 ried him afterwards to the lady Phillippe
 daughter of John of Gant Duke of Lancaster,
 by his first wife blanch, Duchesse and heyre of
 Lácaster, in whose right the kings of Portugal
 and ther discendents do pretend vnto this day a
 certayne interest to the house of Lancaster,
 which I leauue to our temporal Lawyer, to discusse
 but heereby we see what an ordinary matter
 it hath bin in Spayne and Portugal, to alter
 the lyne of next succession, vpon any reasona-
 ble consideration, which they imagined to be
 for ther weal publique, and the like we shal
 finde in France & Ingland, which cuen now I
 wil begin to treat of.

D I V E R S O T H E R E X- A M P L E S O V T O F T H E S T A T E S O F F R A N C E A N D I N G L A N D , F O R *proofe that the next in blood are some tymes put backe from succession, and how God had approued the same with good successe.*

C A P . V I I I .

Of the
 state of
 France.

AS concerning the state of France, I haue
 noted before, that albeit since the entráce
 of ther first king Pharamond, with his Frankes,
 out of Germanie, which vvas about the yeare
 of Christ

of Christ 419. they haue neuer had any stāger come to were there crowne , which they attribute to the benefit of there law Salike, that for biddeth women to reigne, yet among themselues haue they changed twyse there whole race and linage of kings , once in the entrance of king Pepin , that put out the lyne of Pharamond, about the yeare 751. and agayne in the promotion of kinge *Hugo Capetus*. that put out the lyne of Pepin, in the yeare 988. so as they haue had three discents and races of kings , as wel as the spaniards , the first of Pharamond, the 2. of Pepin, and the 3. of Capetus , which indureth vnto this present , if it be not altered now by the exclusion that divers pretend to make of the king of Nauarr , and other Princes of the blood royal of the howse of Burbon.

Wherfore as I did before in the spaniards, so I wil heere let passe the first ranke of al of the french kings, for that some men may say perhaps , that the common wealth and law of succession, was not so wel settled in those dayes, as it hath bin afterward , in tyme of kinge Pepin Charles the great and ther descendants, as also for that it were in very deede ouer tedious to examine and pervse al three rankes of kings in France, as you wil say when you shal see what store I haue to allege , out of the second ranck only , which began vvith the exclusion and deposition of their lawful King Childerike the third , and election of king Pepin, as before you haue heard at large declared

An. 419.

An. 751.

An. 988.

Examples
of the 2.
rancke of
French
Kings.

clared in the third chapter of this discourse, & it shal not be need ful to repeate the same agayne in this place.

King Pe-
pin by
election
An. 751.

X. Char-
les by
election.

Gizard du
Haillan I.
3. an. 768.

Pepin then surnamed, *le brefe*, or the litle, for his smale stature (though he vvere a gyant in deeds) being made king of France, by mere election, in the yeare of Christ 751. after 22. kings that had reigned of the first lyne of Pharamond for the space of more then three hundred yeares, and being so famous and worthy a king as al the world knoweth, reigned 18. yeares, & then left his states and kingdomes by succession vnto his eldest sonne Charles surnamed afterward the great, for his famous and heroical acts. And albeit the vwhole kingdome of France appertayned vnto him alone, by the law of succession, as hath bin said, his father being king and he his eldest sonne: yet would the realme of France shew ther authority in his admission, which Girard setteth downe in thes vvords, *Estant Pepin decede, les Francois esleurent Rois, Charles & Carlonon, ses fils, a la charge, qu'ils partageroient entre eux, egalement, le royaume.* Which is, king Pipin being deade, the french men chose for ther kings his two sonnes, Charles and Carlonon, with condition, that they should part equally betwene them, the realme. Wherin is to be noted, not only the election of the common wealth, besides succession, but also the heauie condition laid vp-pon the heyre to part halfe of his kingdome vwith his yonger brother, and the very same vvords

woords hath Eginard an ancient French writer, in the life of this Charles the great, to wit, that <sup>Eginard
Belfor. II.
2. cap. 5.</sup> the French state in a publique assembly, did chose two Princes to be their kings, with expressē condition to deuide the realme e-qually, as Francis Belforest citeth his wordes, which two French authors (I meane Girard and Belforest) I shal vse principally hereafter in the rest of my citations.

After three yeares, that these two bretherē had reigned together, king Carlomon the yonger died, and left many sonnes, the elder wherof vvas named Adalgise, but Belforest sayeth, that <sup>The vnde
preferred
before
the ne-
phevv.</sup> the Lords ecclesiastical & temporal of France swore fidelitie and obedience to Charles, without any respect or regard at al of the children of Carlomon who yet by right of succession, should haue bin preferred, & Paulus Emilius a latine writer, saith, *proceres regni ad Carolum vltro venientes, regem eum totius Gallia salutarunt*: that is, the nobility of the realme comming of ther owne accord, vnto charles saluted him king of al France, wherby is shewed, that this exclusion of the children of Carlomon, was not by force or tiranny, but by free deliberation of the realme.

After Charles the great, reigned by successiō King ^{An. 814.} his only sonue, Luys the first, surnamed *de bon-naire*, of his curtesye, vwho entring to reigne in <sup>Luys de
bonnaire,</sup> the yeare 817. vwith great applause of al men, for the exceedinge grateful memory of his father, vvas yet afterward at the poursuite principally of his owne three sonnes, by his first wife, ^{Girard. I. 5} (which were Lothair, pepin, and Luys) deposed,

first in a councel at Lions, and then agayne at Compeigne, and put into a monastery, though afterward he came to reigne agayne, and his fourth sonne by his secōd vwife, (vwhich sonne vvas named *Gharles le chauue*, for that he vvas bald) succeeded him, in the states of France, though after many battels against his eldest brother *Lothaire*, to whom by succession the same appertayned.

An. 878. After Charles the balde, succeeded *Luys* the second, surnamed *le begue*, for his stuttering, who was not eldest, but third sonne, vnto his father, for the second dyed before his father, & the eldest vvas put by his succession, for his euēl demeanure, this *Luys* also vvas like to haue bin depriued by the states at his first entrāce, for the hatred conceaued against his father Charles the bald, but that he calling a solemne parlament at Compeigne, as Girard saith, he made the people, cleargie, and nobilitie many faire promises, to haue their good vvilles. This *Luys*

Baudinen
la Chroni-
que, pag.

^{119.}
Girard. i

An. 879.

Tvvo ba-
stards pre-
ferred.

the stuttering, left two bastard sonnes, by a cōcubine, vwho vvere called *Luys* and *Carlomō*, as also he left a little infant, newly borne of his lawful vwife, *Adeltrude* daughter to king *Alfred of Ingland*, vwhich infant vwas king of France afterward, by the name of Charles the simple, albeit not immediatly after the death of his father, for that the nobles of Frāce said, that they had need of a man to be king, & nota childe, as Girard reporteth, & therfore the vwhole state of France, chose for their kinges the tvvo foresaid

foresaid bastards, Luys the third, and Carlomon the first of that name, ioyntly and they vvere crowned most solemnly & deuided the vvhole realme betwene them, in the yeare of Christ An. 881.
881. and Queen Adeltrude vwith her childe true heyre of France, fled into Ingland to her father, and ther brought him vp for diuers yeares, in which tyme s̄ he saw fourte or fve kinges reigne in his place in France, one after the other, for bresly thus it passed.

Of thes two bastard kings the elder named Luys reigned but foure yeates, & died without issue, the second that is Carlomon liued but one yeare after him, and left a sonne called also Luys, vwhich succeeded in the kingdome by the name of Luys the fift, and surnamed Faineant Luys fai-
for his idle and slouth ful life. For which as also neant K.
of France
An. 886.
for his vicious behaueour, and in particuler for taking but and marying a Nōne of the Abbey of S.Baudour at Chells, by Parris, he vvas depriued and made a monke in the Abbey of S.Denys, vwher he died, and in his place vvas chosen king of France, and crowned vwith great solemnitie, Gharles the 4. Emperor of Rome sur- Charles 4.
named le gros, for that he vvas fat and corpulēt, le Gros.
he vvas nephew to Charles the bald, before King of
mentioned, and therfore the French stories say, France.
that he came to the crowne of France partly by Girard.li.
succession, and partly by election, but for suc- S. An. 886.
cession, vve see that it vvas nothing worth, for so muche as Charles the simple the right heyre,
was a lieue in Ingland, vvhom it semeth that

the french men had quite forgotten, seing that now they had not only excluded him three tymes alredy, as you haue hard, but afterwards also againe, when this grosse Charles was for his euel gouernēt, by them deposed and depriued, not only of the kingdome of France but also of his Empire, vvhich he had before he was kinge, & was brought into such miserable penurie, as diuers write, that he perished for wāt. At this tyme I saye the states of France vwould not yet admitt Charles the simple (though hi-ther-to his simplicity did not appeare, but he seemed a goodly Prince) but rather they chose for king one Odo Earle of Paris and Duke of Angiers, and caused him to be crowned.

Odo a
king and
after Du-
ke of
vvhom
came
Hugo Ca-
petus.

But yet after a few yeares, being vveary of this mans gouernment, and moued also some what with compassion towards the youth that vvas in Ingland, they resolued to depose Odo, and so they did vvhiles he vvas absent in Gascony, and called Charles the simple out of Ingland, to Paris, and restored him to the kingdome of France, leauing only to Odo for recompence, the state of Aquitaine, with title of a Duke: wherwith in fine, he contented himselfe, seing that he could get no more. But yet his posterity by vertue of this election, pretended euer after a title to the crowne of France, and neuer left it of, vntil at length by Hugo Capetus they gat it, for Hugh descended of this king and Duke Odo.

This king Charles then surnamed the sim-
ple, an

ple, an English vvomans sonne, as you haue hard, being thus admitted to the crowne of France, he toke to vvife an English vvoman, named *Elgina or Ogin*, daughter of king Edward the elder, by whom he had a sonne named Lewys, and himselfe being a simple man, as hath bin saide, vvas allured to go to the castle, of peronne in Picardie, vvhert he vvas made prisoner, and forced to resigne his kingdome vnto Rafe ^{Rafe 1.} King of king of Burgundye, and soone after he dyed ^{France.} through misery in the same castle, and his ^{An. 927.} Queene Ogin fled into Ingland vwith her little sonne Luys vnto her vncle kinge *Adelstan*, as Queene Adeltrude had done before vwith her sonne vnto king *Alfred*, and one of the chiefe in this action for putting downe of the simple, vvas Counte Hugh surnamed the great, Earle of Paris, father vnto *Hugo Capetus* vwhich after vwas king.

But this new king Rafe, liued but three yea-
res after, and then the states of France conside-
ring the right title of Luys the lawful child of
king Charles the simple, vwhich Luys was cō-
monly called now in France by the name of
d'Outremer, that is be-yond the sea, for that he
had bin brought vp in Ingland: the said states
being also greatly and continually sollicited
heerunto by the Embassadors of king *Adelstan*
of Ingland, and by William Duke of Norma-
die, surnamed long speer, great grand father to
William the conqueror, who by the king of
Ingland vvas gayned also to be of the yong

An. 925.

princes part: for these considerations (I say) they resolved to cal him into France out of Ingland, as his father had bin before him, and to admitt and crowne him king, and so they did, and he reigned 27. yeares and vvas a good Prince, & died peaceable in his bedd the yeare of Christ, 945.

**Luys 4.
d'Outre-
mer.**

The true
geyre of
France
excluded.

This king Luys *d'Outremer* left two sonnes behind him, the eldest vvas called *Lothaire* the first, who succeeded him in the crowne of Frâce, and the second vvas named *Charles* vvhom he made Duke of Lorayne. *Lothaire* dying left one only sonne named *Luys* as his grand father vvas vwho was king of France, by the name of *Luys the 5.* and dying vwithout issue after two yeares that he had reynged, the crowne vvas to haue gone by lyneal succession vnto his vncle *Charles* the duke of Lorayne, secôd sonne to *Luys d'Outremer*, as is evident, but the states of France did pur him by it for mislike they had of his person, and did chose *Hugo Capetus* Earle of Paris, and so ended the second lyne of *Pepin* and of *Charles the great*, and entred the race of *Hugo Capetus*, vvhich endureth vntil this day, and the French stories do say, that this surname *Capet*, vvas giuen to him vwhen he vvas a boy for that he vvas wont to snatch avvay his fel-lovves cappes from their heades, vvheroft he vvas termed *Snatch cappe*, vvhich some do interprete to be an abodeiment that he shold snatch also a crowne from the true owners head in tyme, as afterward vve see it fel out, though

**Hugh Ca.
pet other-
vvise
Snatch
cappe 988**

though yet he had it by election and approbation of the common vvealthe as I haue said.

And in this respect al the french chroniclers who otherwise are most earnest defenders of ther law of succession, do iustifie this title of Hugo Capetus against Charles, for vwhich cause Frances Belforest doth alleadge the saying of William Nangis, an ancient and diligent chronicler of the Abby of S. Denys in France, vwho defendeth king Capetus in these vwords.

VVe may not graunt in any case that Hugh Capet may be esteemed an invader or usurper of the crowne of France, seing the Lordes Prelates princes and gouernours of the realme did cal him to this dignitie, and chose him for their king and Soueraine Lord, thus much Nangis: vpon vwhich wordes Belforest saith as followeth, I haue layd before you the vwordes and censure of this good religious man for that they seeme to me to touch the quick, for in very truth we cannot by any other meanes defend the title of Hugh Capet from Usurpation and felonie, then to iustifie his comming to the crowne by the consent and wil of the common wealth, and in this I may wel excuse me from inconstancie and contradiction to my selfe, that haue so earnestly defended succession before, for he that wil consider how and vwith what condirions I defended that, shal easely see also that I am not heere contrary to the same, thus much Belforest.

I thinke it not a misse also to put downe heire some part of the oration or speech vwhich

Belfor. li.
3. cap. I.
An. 938.

Defence
of Hugh
Capetus

The embassage of the Embassador that vvas sent at that tyme,
 the states from the state of France vnto Charles of Loraine,
 of France after their election of Hugh Capet, and Char-
 vnto Char les exclusion , did vse vnto him in ther names,
 les of Lo- zaine. which spech Girard doth recount in these wor-
 des.

Girard I. Euery man knoweth (Lord Charles) that
 6.an.988. the succession of the crowne and realme of

„ France according to the ordinary Lawes and
 „ rights of the same , belongeth vnto you , and
 „ not vnto Hugh Capet now our king , but yet the
 „ very same lawes vwhich do giue vnto you this
 „ right of succession,do judge you also vnworthy
 „ of the same , for that you haue not endeuored
 „ hitherto to frame your life and manners accord-
 „ ding to the prescript of those lawes , nor accor-
 „ ding to the vse & custome of your countrey of
 „ France, but rather haue allied your selfe vwith
 „ the German nation , our old enimies , and haue
 „ acquainted your selfe vwith their vile and base
 „ manners. Wherfore seing you haue forsaken &
 „ abandoned the ancient vertue sweetnes and
 „ amitie of the french , vve haue also abandoned
 „ and left you , and hane chosen Hugh Capet for
 „ our king , and haue put you back , and this
 „ without any scruple or prejudice of our con-
 „ sciences at al, esteeming it far better and more
 „ iust to liue vnder Hugh Capet the present po-
 „ sessor of the crowne, with enioying the ancient
 „ vse of our lawes, customes, priuileges and liber-
 „ ties, then vnder you the inheritor by neernes of
 „ bloude, in oppression, strange customes, and
 „ crueltie.

cruelty. For euен as those which are to make a voyage in a ship vpon a dangerous sea, do not <sup>Note this
compari-
son.</sup> so much respect, whether the pilot which is to guyd the sterne, be owner of the ship or no, but rather whether he be skilful, valiant, and like to bring them in safety to ther wayes end, or to drowne them among the waues: euен so our principal care is, that we haue a good Prince to leade and guyd vs happily in this way of ciuil and politique life, vvhich is the end why princes were appointed, for that this man is fitter to be our king.

This message did the states of France send to Charles of Lorayne in defence of their doings, and with this he lost his succession for euer, and afterwards his life also in prison, and the French men thought themselues secure in conscience as you see, for doing the same, which God hath also since seemed to confirme, with the succession and happy successe of so many noble and most christian kings as haue issued out of this line of Hugo Capetus vnto this day.

And this spoken now of the second lyne of France, I take to be sufficient for proofe of our purpose, without going any further, for that if we do but number these kings already named that haue reigned in this second race, from king Pepin downwards vnto Hugh Capet, (vvhich are about 17.or 18.kings in 238. yeares) vve shal finde that not some few, but the most part of them did both enter and enjoy ther crownes and dignities contrary to the law Examples out of the third tyme of France.

of lyneal discent, and of next succession by blood. Wherof also ther would not vwant diuers examples in the third and last discent, since *Hugo Capetus* tyme, if we would passe further to examine the stories ther-of. For not to go fur-

ther downe then to the very next discent after
Girard li. *Hugh* which vvas king Robert his sonne, **Gi-**
6. an. 1032 **rard** affirmeth in his story, that of his two sonnes which he had named Robert and Henry,

Robert the elder vvas put back, and his yonger brother Henry made king of France, & reyned
X. Henry
1. prefer-
red befo-
re his el-
der bro-
ther.

many yeares by the name of Henry the first, & this he sayeth happened partly for that Robert vvas but a simple man in respect of Henry, and partly also for that Henry was greatly fauored and assisted in this pretence, by Duke Robert of Normandy father to our William the conqueror, and in recompence hereof, this king Henry afterward assisted the said Willia bastard sonne to Robert for the attayning of the Dukdome of Normandie, after the death of the said Duke

Robert his father, notwithstanding that Duke Robert had two lawful brothers a liue at that tyme, whose names were *Munger* Archbis hop of Roan, and *William* Earle of Argues, in Normandie, who pretended by succession to be preferred, But the states of Normandie at the request of Duke Robert, vwhen he went to the holy land (in which iorney he died) as also for auoyding of dissention and warres that other wise might issue, were content to exclude the vncles and admitt the bastard sonne, who vwas
Girard I.
6. Anno
1032. &
2037.

also

also assisted by the forces of the king of France as hath bin said, so as no scruple it seemed ther vvas in those dayes, either to pifer king Henry to the crowne of France befor his elder brother, or Duke William the bastard sonne to the Duchie of Normandy before his lawful vncles vpon such dow considerations, as those states may be presumed to haue had for their doings.

I read also, that some yeares after, to vvit in the yeate 1110. when Phillip the first of France sonne and heyre to this king Henry of whose solemne coronation you haue hard before in the seuenth chapter, was deceased, the people of France were so offended vwith his euel life and gouernment, as diuers vvere of opinion to dis-^{Girard.}
inherit his sonne Lewis the sixt, surnamed *le Gros*, for his sake, and so vvas he like to haue ^{lib. 7.}
bin indeede, as may appeare by the chronicle ^{An. 1110.}
of France, if some of his partie had not caused <sup>Belfor. I. 4
c. 1. & l. 5</sup>
him to be crowned in hast, and out of order, in Orleans, for preuenting the matter.

The like doth Phillip Cominæus in his story ^{Cōmæus} of king Luys the eleventh declare, how that ^{in comen tar. I. 1. in vita Lu-} the state of France had once determyned, to ^{douic. 11.} haue disinherited his sonne Charles, named ^{vita Lu-} after the eight, and to put him back from his succession for their hatred to his father, if the said father had not died vwhile the other vvas very yong, as I noted before also, that it happe-
ned in king Henry the third of Ingland, vwho vvas once condemned by the Barons to be disinherited, for the fault of king John his father,

father, and Lewys the princō of France chosen in his place, but that the death of king Iohn did alter that course intended by the Inglis̄ nobilitie, so as this matter is nether new nor vnacustomed in al foraine countryes, and now wil I passe also a little to our Inglis̄ stories, to see whether the like may be found in them or no.

*Examples
of the
realme of
Englānd.*

*Divers
races of
Inglis̄h
Kinges.*

And first of al that the realme of Inglād hath had as great varietie, changes, and diuersitie, in the races of their kinges, as any one realme in the world, it semeth evident, for that fist of al, after the Britaines, it had Romans for their governours for many yeares, and then of them & their roman blood they had kings agayne of ther owne, as appereth by that valiant king *Aurelius Ambrosius*. Who resisted so manfully and prudently the saxons, for a tyme, after this they had kings of the saxon & Inglis̄h blood, and after them of the Danes, and then of the Normanes, & after them agayne of the Frēch, & last of al, it semeth to haue returned to the Britains agayne, in king Henry the 7. for that his father came of that race, and now you know ther be pretendoris of diuers nations, I meane both of *Scottish*, *Spanish*, and *Italian* blood, so that Inglād is like to participate with al their neybours round about them, & I for my part do feele my selfe much of the French opinion before alleaged, that so the ship be wel & happily guyded, I esteeme it not much important of what race or natiō the pilote be, but now to our purpose.

I meane

I meane to passe ouer the first and ancient
rancs of kings, as vvel of the British & Romā,
as also of the Saxon races, vntil king Egbert the ^{Thene-}
first of this name, king of the west Saxons, and ^{me of}
almost of al the rest of Ingland bisides, vwho ^{and In-}
therfore is said to be properly the first monarck
of the Saxon blood, and he that first of al, com-
maunded that realme to be called Ingland,
which euer since hath bin obserued.

This man Egbert being a yong gentleman ^{King}
of a noble house in the west parts of Ingland, ^{Egbert}
was had in ielosie by his king *Bruticus* (vwho ^{the first}
vvas the 16. Kinge from Cerdicius, first ^{monarch}
king of the vwest Saxons, as he was also ^{of Ingläd.}
the last of his blood. And for that he sus-
pected, that this Egbert, for his great prowelte,
might come in tyme to be chosen king, he
banished him into France, vwher he liued
diuers yeares, and vvas a captayne vnder the
famous king Pepin that vvas father to Char-
les the great, and hearing afterwyrds that
king *Bruticus* vvas dead, he returned into In-
glad ^{Polidor} vwher Polidor sayeth, *omnium consensu* ^{Polidor}
rex creatur: that he was created or chosen king, ^{hist.aug.}
by consent and voyce of al men, though yet ^{li + inf.}
he vvere not next by propinquity of blood
royal, as is most euident, and yet he proued
the most excellent king that euer the Saxons
had before or perhapps after, and his election
happened in the yeare of Christ 8. hundreth
and two, vwhen King Pepin the first of ^{An. 802.}
that race, reigned (as hath bin said) in France,
so as

King Pe-
pin of
France.

so as this monarchy of Egbert and that of Pe-
pin (wherof we haue alleaged so many exam-
ples in the former chapter, began as it vvere
together, and both of them (I meane both Pe-
pin and Egbert) came to their crownes by ele-
ction of the people as heere you see.

King Adel-
vulfe.

An. 829.

This king Egbert or Egbrich as others do
write him, left a lawful sonne behind him na-
med *Elhelwolfe* or *Adeluulfe*, or *Edolph*, (for al is
one) vwho succeeded him in the kingdome, and
was as worthy a man as his father, and this *Adeluulfe* agayne, had foure lawful sonnes, vwho
al in their turnes succeeded by iust and lawful
order in the crowne, to wit *Ethelbald*, *Ethelbert*,
Ethelred, and *Alfred*, for that none of the former
three had any children, and al the later three
were most excellent princes, especially *Alfred* or
King Al-
fred. 872. *Alured*, the last of al foure, whose acts are won-
derful, and who among other his reuoumed
gestes, draue *Rollo* that famous captaine of the
danies from the borders of Ingland, with al his
company into France, wher he gat the coun-
try or prouince named then *Neustria*, & now
Normandie, and was the fist Duke of that pro-
uince and nation, and from whom our William
Conqueror came afterwards in the sixth dis-
cent. This man erected also the vniuersitie of
Oxford, being very learned himselfe, buylde
diuers goodly monasteries and churches, and
dying left as famous a sonne behynde him, as
himself, which was *Edward the first* surnamed
the senior or elder.

King
Edvard
elder.
An. 900.

This

This king Edward dying left two sonnes, lawfully begotten of his wife, *Edgina*, the one named Prince *Edmund*, and the other *Eldred*, & a third illegitimate whose name vvas *Adelstan*, whom he had by a concubine. But yet for that this man vvas esteemed to be of more valor then the other, he was preferred to the crowne, before the two other Princes legitimate, for so testifieth Polidor in thes wordes, *Adelstanus ex concubina Edwardi filius, rex a populo consalutatur atque ad kingstonum opidum more maiorum ab Athelmo Cantuariensi Archiepiscopo coronatur*, vwhich is, *Adelstan the sonne of king Edward by a concubine, vvas made king by the people, and vwas crowned according to the old custome, by Athelme Archbisshop of Caterbury at the towne of kingston.* Thus far polidor, and Stow addeth further thes wordes : *His coronation was celebrated in the market place, vpon a stage, erected on high that the king might better be seene of the multitude,* he vwas a Prince of worthy memorie, valiant and wise, in al his acts, & brought this land into one perfect monarchie, for he expelled vtterly the danes, and quieted the Welchmen. Thus much Stow, of the successe of chusing this king bastard to reigne. To whose acts might be added that he conquered Scotland and brought Constantine their king to do him homage, and restored Luys d'Outremer, his sisters sonne to the kingdome of France, as before hath bin signified.

This man dying without issue, his lawful brother *Edmond*, put back before, was admitted to the King Ed.
mond. I.
An. 949.

King Ale-
ston the
Bastard
preferred.
An. 924.

Polid. I. 5.
hist. angl.

Stow
pag. 130.
An. 924.

to the crowne, who being of excellent expecta-
tion, died after 6. yeares, and left two lawfol
sonnes, but yet for that they were yonge, they
were both put back by the realme, and their
vnkle Eldred was preferred before them, so saith
Polidor, *Genuit Edmondus ex Egilda uxore Eduinum*
Polid. I. 6. & *Edgarum, qui cum etate pueri essent. post Eldredam*
deinde regnarunt. King Edmond begat of his
wife Egilda two sonnes named Edwin and Edgar,
who for that they were but children in yeares,
were put back, and reigned afterward after
ther vnkle Eldred. The like saith Stow and yeal-
deth the same reason in thes wordes. Eldred
succeeded Edmōd his brother for that his sonnes Edwin,
and Edgar, were thought to yong to take so great a
charge vpon them.

This Eldred though he entred as you see
against the right of the nephewes, yet saith Po-
lidor and Stow, that he had al mens good will,
and was crowned as his brother had bin, at
kingston, by *Odo* Archbishop of Canterbury,
and reigned 9. yeates with great good wil and
praise of al men. He dyed at last without issue,
and so his elder nephew Edwin vvas admitted
to the crowne, but yet after foure yeates he
was deposcd agayne, for his leude and vicious
life, and his yonger brother Edgar admitted in
his place in the yeare of Christ 959.

Edgar a
famous
king.

This king Edgar that entred by deposition of
his brother, vvas one of the rarest princes, that
the world had in his tyme, both for peace and
vvar, iustice, pietye, and valor. Stow sayeth he
kept

The vnkle
preferred
before
the ne-
phevys
946.

Polid. I. 6.

Stow in
his chro-
nicles.

Kept a nauie of three thousand and 6.hundreth
shippes,distributed in diuers partes for defence
of the realme. Also that he buylt and restored
47. monasteries at his owne charges , and did
other many such acts: he vvas father to king
Edward the martir , & grand father to king
Edward the confessor,though by two different
wiues , for by his first wife named Egilfred he
had Edward after martirized, and by his secōd
vvife Alfred he had Etheldred father to Edvard
the confessor,& to the end that Etheldred myght
raigne,his mother Alfred caused King Edward
the sonne of Egilfred to be slayne after king
Edgar her husband was dead.

King
Edvard
Martiri-
zed.

After this so shameful murther of king
Edward,many good men of the realme , vvere
of opinion,not to admit the succession of Ethel-
dred his half brother, both in respect of the
murther, of king Edward his elder brother,cō-
mitted for his sake;as also for that he semed a
man not fit to gouerne , and of this opinion
among others,vwas the holy man Dunston arch-
bishop of Canterbury, as Polidor sayeth, who
at length in flat words denied to consecrate
him, but seing the most part of the realme, bent
on Etheldreds side , he foretould them , that it
would repent them after , and that in this mās
life the realme shoulde be destroyed as in deede
it vvas, and he rann away to Normandy, and
left Sweno and his dane's in possession of the
realme, though afterward Sweno being dead,
he returned agayne and dyed in London.

K. Ethel-
dred 978.

Polid. I. 7.
hist. Ang.

This Etheldred had two wiues, the first Ethelgina an English womā, by whom he had prince Edmund surnamed Ironside, for his great strength and valor, vwho succeeded his father in the crowne of Ingland, for a yeare, and at his death left two sonnes which after shalbe named, and besides this, Etheldred had by his first wife other two sonnes Edwīn and Adelston, and one daughter named Edgina, al which were either slayne by the danes, or dyed without issue.

The secōd wife of Etheldred was called Emma, sister to Richard Duke of Normandie, vwho was grand father to William the conqueror, to witt, father to Duke Robert, that was father to VWilliam, so as Emma vvas great aunt to this VWilliam, and she bare vnto king Etheldred two sonnes, the first Edward, who was afterward named king Edward the Confessor, and Alerud vho was slayne traiterously by the Earle of kent, as presently we shal shew.

After the death also of king Etheldred, Queen Emma was maried to the Dane king Canutus the first of that name, surnamed the great, that was king of Ingland after Etheldred, & Edmond Ironside his sonne, and to him she bare a sonne named Hardicanutus, vwho reigned also in Ingland, before king Edvard the Confessor.

Now then to come to our purpose, he that wil consider the passing of the crowne of Ingland, from the death of Edmonde Ironside, elder sonne of king Eltheldred, vntil the possession therof gotten by VWilliam Duke of Normandie,

K. Edmōd
Ironside.

Quene
Emma
mother
to King
Edvard
the con-
fessor.

Many
breches
of lineal
successiō.

Normandie, to wit for the space of 50. yeares, shal easely see what authority the common wealth hath in such affaires, to alter titles of succession, according as publique necessity or vtility shal require, for thus briefly the matter pasted.

King Eltheldred seing himselfe to vveake for Sweno the king of Danes, that vvas entred the land, fled with his wife Emma and her two childdren Edward and Alerud, vnto her brother Duke Richard of Normandie, & ther remayned vntil the death of Sweno, and he being dead, Etheldred returned into Ingland, made a certayne agrement and diuision of the realme, betweene him & Canutus the sonne of Sweno, and so dyed, leauing his eldest sonne Edmond Ironside, to succed him, who soone after dying also, left the whole realme to the said Canutus, and that by playne couenant as Canutus pretended, that the longest liuer shoulde haue al: wherupon the said Canutus tooke the tvvo children of king Edmond Ironside named Edmond and Edward, and sent them ouer into Sweuelād (which at that tyme vvas subiect also vnto him) and caused them to be brought vp honorably, of vwhich two, the elder named Edmond dyed without issue, but Edward vvas maried and had diuers children as after shalbe touched.

Etheldred and his sonne Edmond being dead, Canutus the Dane was admitted for king of England by the vvhole parliament & consent

Sonnes
of King
Edmond
Ironside.

King Ca-
nutus the
first 1016.

of the realme, and crowned by Alerud Archbis-
hop of Canterbury, as Polidor saith, & he pro-
ued an excellent king, went to Rome, and was
allowed by that sea also. He did many vvorke
s of charity, shewed himselfe a good christian,
& very louing and kynde to Englishmen, mar-
ried Queene Emma an English woman and
mother to king Edward the Confessor, &
had by her a sonne, named Hardicanutus, and
so dyed & was much mourned by the English,
after he had reigned 20. yeares, though his en-
trance and tytle vvas partly by force and par-
tely by election, as before you haue hard.

King ha-
rald the
bastard
1038. After this Canutus the first, surnamed the
great (for that he was king ioyntely both of
England Norway, and Denmark) vvas dead, Po-
lidor saith that al the states of the realme mett
together at Oxford to consult whom they should
make king, and at last by the more part of voices was
chosen, Harald the first sonne of Canutus by a concu-
bine, by vwhich election vve see iniury was done

Polyd.l.8.
hist. angl. to the lineal succession of three parties, first to
the sonnes of king Edmond Ironside that were
in Sweueland then to the princes Edward and
Alerud sonnes to king Ethelred, and brothers to
Ironside that were in Normandy, and thirdly
to Hardicanutus, sonne to Canutus by his law-
ful wife Emma, to whom it was also assured at
her mariage, that her issue shoulde succede, if
she had any by Canutus.

After the death of this Harald, vwho dyed
in Oxford vvhether he was elected, within three
yeare

yeares after his election, ther came from Denmark Hardicanutus to clame the crowne, that his father & brother had possessed before him, of vvhose comming Polidor saith, *libentissimis animis accipitur communique omnium consensu rex dicanatur.* He was receaued vwith great good vvil of al, and by common consent made king, and this vvas done by the states without any respect had of the succession of those Princes in Normandie and Sweueland, who by birth were before him as hath bin shewed, and this is the 2. breach of lineal discent after Etheldred.

But this Hardicanutus being dead also, vppō the sudden at a certayne basket in Lambeth by London without issue, within two yeares after his coronation, the states of the realme had determinyd to chuse *Alured* for their king, vvhio was yonger brother to Edward, and for that cause sent for him out of Normandy as Polidor recounteth, and had made him king vwithout al doubt (for that he vvas esteemed more styring & valiant then his elder brother Edward) had not Earle Goodwin of kent fearing the yong mans stomake raysed a strong faction against him, and therupon also caused him to be trayterously murthered as he passed through kent toward London, nor had the state heer-in any respect to antiquitie of blood, for that before *Alured*, vvere both his own elder brother prince Edward (who after him vvas chosen king) and before them both were Edmond and Edward the childre of their elder brother, Edmon Iron-

King
Edvard
the con-
fessor
made
K. against
right of
successio.

But this notwithstanding, Alerud being slayne, prince Edward was made king, *tanta publica laetitia* (saith Polidor) *ut certatim pro eius felici principatu, cuncti vota facerent*. That is, he vvas made king vwith such vniversall ioy and contentment of al men, as euery man contended, who should pray and make most vowes to God for his happy reygne, and according to this was the sucresse, for he vvas a most excellent prince, and almost miraculously he reygned with great peace and void of al war at home and a broad, for the space of almost 20. yeares after so infinit broyles as had bin before him, and insued after hym, and yet his title by succession can not be iustified, as you see, for that his eldest brothers sonne was the aliue, to wit prince Edward sur-named the outlaw, vwho in this kinges reygne came into Ingland and brought his vwife and three lawful children with him, to wit Edgar, Margaret, & Christian, [but yet vvas not this good king Edward so scrupulous, as to giue ouer his kingdome to any of them, or to doubt of the right of his owne title, vwhich he had by elec-tion of the common wealth, against the order of succession.

This king Edward being dead without issue, Polidor saith that the states made a great con-sultation, whom they shoulde make king, and first of al it semeth they excluded him, that was only next by propinquity in blood, vwhich vvas

Prince
Edvard
the out-
lawn and
his chil-
dren put
back.

Edgar

Edgar Adelin, sonne to the said prince Edward the outlaw now departed, and nephew to king Edmond Ironside, and the reason of this exclusion is alleged by Polidor in thes vvordes, *is* ^{Polid. I. 2.} *puer id etatis nondum regno gubernando maturus erat:* That is, he bing a child of so smale yeares, ^{Harald} *vvas not ripe enough to gouerne the king-* dome, and then he saith that Harald, sonne of ^{second K.} Earle Goodwin, by the daughter of Canutus, <sup>by ele-
ction.</sup> the first, proclaymed himselfe king, and more ^{1066.} *ouer he addeth, Non displicuit omnino id factum populo, qui plurimum spei in Haraldi virtute habebat, itaque more maiorum sacratus est,* vvhich is, this fact of Harald displeased not at all the people of Ingland, for that they had great hope in the vertue of this Harald, & so vvas he annoynted and crowned according to the fassion of the anciēt kings of Ingland, by which vvordes vve may see, that Harald had also the approbation of the realme to be king, notwithstanding that lytle Edgar vvas present as hath bin said, so as this was the fourth breach of succession at this tyme.

But in the meane space, William Duke of Normandy pretended that he vvas chosen before by king Edward the Confessor, and that the realme had giuen their consent therunto, and that king Edward left the same testified in his last wil and testament, and albeit none of our English authors do auow the same cleerly, yet do many other forrayne writers hold it, and it semeth very probable that some such thing

had past, both for that duke William had many
in Ingland that did fauor his pretence at his
entrance, as also as Girard in his French storie
saith, that at his first comming to London, he
punished diuers by name, for that they had
broken their othes and promises in that be-
halfe: And moreouer it appereth that by allea-
ging this title of election, he moued diuers
princes abroade to fauour him in that action,
as in a iust quarrel, vwhich is not like they
should haue done, if he had pretended only a
conquest, or his title of consanguinity, vwhich
could be of no importance in the vworld, for
that effect, seing it was no other but that his
grand father and king Edwards mother, vvere
brother and sister, which could giue him no
pretence at al to the succession of the crowne,
by bloode, and yet vve see that diuers princes
did assist him, and among others the French
chronicler Girard, so often named before, vvi-

Chron.

Cassin. I. 3
Cap. 34.

teth that Alexander the second pope of Rome,
(whos holines vvas so much esteemed in those
dayes as one *Constantinus Afer*, wrote a booke of
his miracles) being informed by Duke William
of the iustnes of his pretence, did send him his
benediction and a precious ring of gold, vwith
a hallowed banner, by vwhich he gott the vic-
tory, thus writeth Girard, in his French chro-
nicles, and *Antoninus* Archbishop of Florence
surnamed *Saint*, vwriting of this matter in his
chronicles speaketh great good of William Cō-
queror, and commendeth his enterprise. But
howsoeuer

Antoni-
nus part.
2. chron.
tit. 16.

Cap. 2. f. 1.

howsoeuer this was the victory vve se he gat, and God prospered his pretence, and hath confirmed his of spring in the crowne of Ingland more then 500. yeares together, so as now accounting from the death of king Edmond Ironside, vnto this man, we shal finde (as before I haue said) in lesse then 50. yeares, that 5. or 6. kings vvere made in Ingland one after another, by only authority and approbation of the common wealth, contrary to the ordinary course of lineal succession by propinquitie of blood.

And al this is before the conquest, but if vve should passe any further downe, we should finde more examples then before. For first the Examples
two sonnes of the Conqueror himselfe, that
^{after the conquest.} succeeded after him, to wit william Rufus and Henry the first, were they not both yonger brothers to Robert Duke of Normandie, to whom the most part of the realme vvas inclined (as Polydor sayth) to haue giuen the kingdome presently after the Conquerors death, as devy Polyd. in
to him by succession, notwithstanding that ^{vita Gal.}
^{Cong.} william for particular displeasure against his elder sonne, had ordeyned the contrary in his testament. But that Robert being absent in the war of Hierusalem, the holy and lerned man Lanfranke (as he vvas accompted then) Archbishop of Canterbury being deceaued vwith vaine hope of william Rufus good nature, perswaded them the contrary, who vvas at that day of high estimation, & authority in Ingland, An. 1017.
william
Rufus
King

and so might induce the realme to do what he liked.

Henry 1. By like meanes ^{An. 1100.} **gat** Henry his yonger brother the same crowne afterwards, to wit by faire promises to the people, and by helpe principally of Henry Newborow Earle of warwick, that dealt with the nobility for him, and Maurice bishop of London with the cleargie, for that Anselme Archbishop of Canterbury vvas in banishment. Besides this also it did greatly healpe his cause, that his elder brother Robert, (to vvhom the crowne by right apperteyned) vvas absent againe this second tyme in the warr of Ierusalem, and so lost therby his kingdome, as before: Henry hauing no other title in the world vnto it, but by election and admision of the people, which yet he so defended afterwards against his said brother Robert, that came to clayme it by the sword, and god did so prosper him ther-in, as he tooke his said elder brother prisoner, and so kept him for many yeares, vntil he dyed in prison most pitifully.

**Mathild.
the em-
presse.**

But this king Henry dying, left a daughter behind him named Mawde or Mathilde, which being married first to the Emperor Henry the fist, he dyed without issue, and then vvas she married agayne the secōd tyme to Geffry Plantagenet Earle of Anjow in France, to whom she bare a sonne named Henry, vvhich this king Henry his grand father, caused to be declared for heyre apparent to the crowne in his dayes, but yet after his disseasfe, for that Stephē Earle of Bol-

of Bollogne, borne of Adela daughter to King Ste-
 liam the Conqueror, was thought by the state phen
 of Ingland to be more fitt to gourne, and to entered
 defend the land (for that he was at mans age) against
 1135. successio
 then vvas prince Henry a child, or Maude his
 mother, he vvas admitted, and Henry put back,
 and this chiefly at the perswasion of Henry
 bishōp of winchester, brother to the said Ste-
 phen, as also by the solicitation of the Abbot of
 Glastenbury and others, vwho thought be like
 they might do the same, with good conscience
 for the good of the realme, though the euent
 proued not so wel, for that it drew al Ingland
 into factions and diuisions, for auoyding and
 ending wherof, the states some years after, in a
 parliament at Wallingford made an agreement, An a&t of
 that Stephen should be lawful king, during parlamēt
 his life only, and that Henry and his offspring about
 should succeeđ him, and that prince William succelsio
 1153.
 king Stephens sonne should be depriued of
 his succession to the crowne, and made only
 Earle of Norfolcke, thus dyd the state dispose
 of the crowne at that tyme, vwhich vwas in the
 yeare of Christ 1153.

To this Henry succeeded by order his eldest
 sonne then liuing, named Richard, and surna- King Ri-
 med *Cordelyan*, for his Valor, but after him chard and
 agayne, the succession vwas broken. For that king Iohn
 Iohn king Henries yongest sonne, to vvit yōger
 brother to Richard, vvhom his father the king
 had left so vnprouided as in iest he vwas called
 by the french *Jean sens terre*, as if you vwoold
 saye Sir
 1190.

faye Sir John lacke-land : this man I say, vvas after the death of his brother, admitted and crowned by the states of Ingland, and Arthur Duke of Britaine, sonne and heyre to Geffery (that vvas elder brother to Iohn) vvas against the ordinarie course of succession excluded.

**Prince Ar-
thur put
back.** And albeit this Arthur did seeke to remedy the matter, by warr, yet it seemed that god did more defend this election of the common wealth, then the right title of Arthur by succession, for that Arthur vvas ouer-come, and taken by king Iohn, though he had the king of Fraunce on his side, and he dyed pitifully in prison, or rather as most authors do hold, he was put to death by king Iohn his uncles own handes in the castle of Roan, therby to make his title of succession more cleare, which yet could not be, for that as wel Stow in his Chronicle, as also Mathew of westminster and others before him, do write, that Geffrey besides this sonne, left two daughters also by the lady Cōstance his wife, Countesse & heyre of Britaine, which by the law of Ingland should haue succeeded before Iohn, but of this, smal accōpt seemed to be made at that day.

**Two si-
sters of
prince Ar-
thur Duke
of Britai-
ne.**

**X. Iohn
and his
sonne re-
jected
1216.**

Some yeares after, when the Barons and sta-
tes of Ingland disliked vterly the gouernment
and proceeding of this king Iohn, they rejected
him agayne, & chose *Luy* the prince of France
to be ther king, and dyd sweare fealtie to him
in London, as before hath bin saide, and they
depriued also the yong prince Héry his sonne,
that was

that was at that tyme, but of 8. yeares ould, but vpon the death of his father king Iohn, that shortly after insued, they recalled agayne that sentence, & admitted this Henry to the crowne by the name of king Henry the third, and disannulled the oth and allegiance made vnto Luys Prince of France, and so king Henry reigned for the space of 53. yeares afterwards, the lōgest reygne (as I thinke that any before or after him hath had in Ingland.

Moreover you know that from this king <sup>The titles
of York &
Lācaster.</sup> Henry the third, do take their first beginning the two branches of York and Lācaster which after fell to so great contention about the crowne: Into which if we vvould enter, vve should see playnly as before hath bin noted, that the best of al their titles after the depositiō of king Richard the second, depended of this authority of the common wealth, for that as the people were affected and the greater parte preuailed, so were their titles ether allowed cōfirmed altered or disannulled by parlaments, and yet may not we wel affirme, but that ether part vwhen they vvere in possession and confirmed therin by thes parlaments, were lawful kings, and that God concurred vwith them as vwith true princes for gouermēt of their people, for if vve should deny this pointe, as before hath bin noted, great inconueniences vvould follow, & vve should shake the states of most princes in the world at this day, as by examples which alredy I haue alleaged in part may appeare.

And

The con-
clusion of
this cha-
pter.

And vwith this also I meane to conclude and end this discourse in like manner , affirming that as on the one side propinquity of bloode is a great preheminence towards the atteyning of any crowne, so yet doth it not euer bynde the commō wealth to yeald ther-vnto, if waightier reasons should vrge them to the contrary , neither is the common wealth bound alwayes to shut her eyes, and to admit at hap-hazard , or of necessity euery one that is next by succession of bloode, as Belloy falsely & fondly affirmeth, but rather she is bound to consider vvel and maturely the person that is to enter , vvhether he be like to performe his duety and charge committed vnto him or no, for that otherwise to admitt him, that is an enimye or vnfit, is but to destroy the common wealth, and him together. This is my opinion, and this seemeth to me to be conforme to al reason, law, religion, piety, vvisdome, and pollicy , and to the vse and custome of al vvel gouerned common wealthes in the vworld , nether do I meane heereby to priudice any princes pretence or succession to any crowne or dignitie in the vworld , but rather do hold that he ought to enioy his preheminence, but yet so, that he be not priudical therby to the whole body, which is euer to be respected more then any one person, vvhatsoeuer Belloy or other of his opinion do say to the contrary.

Thus said the Ciuilian, and being called vpon and drawne to a new matter by the question

stion that ensueth, he made his last discourse & conclusion of the vvhole matter, in manner following.

VV H A T A R E T H E P R I N C I P A L P O I N T S W H I C H A C O M M O N-V V E A L T H O V G H T *to respect in admitting or excluding of any prince, that pretendeth to succeede: wherin is hand- lid largely also of the diuersitie of religions and other such causes.*

C A P . I X .

A FTER the Civilian had alleaged al thes examples of succession altered or rejected by publique autoritie of common wealthes, and of the allowance and approbation & good successe vwhich for the most part god semeth to haue giuen vnto the same, one of the company brake forth and said, that this poynt appeared so euident vnto him, as no doubt in the vworld could be made therof, I meane, whether this thing in it selfe be lawful or no, to alter sometymes the course of succession, seing that al cōmon vwealthes of Christendome, had donne it so often, Only he said, that it remayned somewhat doubtful vnto him, whether the causes alledged in thes mutations, and chainges before mentioned, were always sufficient or no, for that sometymes they seemed to him but weake and

*Causes of
excluding
Princes.*

and slender, as when (for example) the vncle was preferred before the nephewes, for that he vvas a man and the other children, which cause and reason hath oftentimes byn alleaged in the former exāples, both of Spaine, Fraunce, and Ingland , as also vwhen the yonger or bastard brother is admitted , & the elder and legitimate excluded, for that the one is a warrier, & the other not, and other such like causes are yealded (said he) in the exclusions before rehearsed , vwhich yet seme not some-tymes vvaughty enough for so great an affaire.

To this answered the Civilian , that according to their law, both civil and canon (vwhich thing also he affirmed to be founded in great reason) it is a matter most certayne , that he vvho is iudge and hath to giue the sentence in the thing, it selfe, is also to iudge of the cause, for therof is he called iudge, and if he haue authority in the one, good reason he shoulde also haue power to discerne the other, so as, if vve graunte according to the forme & proofes, that the realme or common vwealth hath povver to admitt or put back the prince or pretender to the crowne , then must vve also confesse that the same common vwealth , hath authority to iudge of the lawfulness of the causes, and considering further that it is in ther owne affaire , & in a matter that hath his whole beginning, continuance and substance from them alone , I meane from the common wealth , for that no man is king or prince by institution of nature, as before

**VVho
must iud-
ge of the
lawful
causes of
exclusiōes.**

as before hath bin declared, but euery king and
kings sonne, hath his dignity and preheminēce
aboue other men, by authority only of the cō-
mon vwealth : who can affirme the contrary
said the Civilian? but that god doth allow for
a iust and sufficient cause in this behalfe, the
only vvil and iudgment of the weal publique
it selfe, supposing alwayes (as in reason we
may) that a whole realme vil never agree by
orderly vway of iudgment (for of this only I
meane and not of any particular faction of pri-
uate men agaynst ther heyre apparter) to exclude
or put back the next heyre in blood and suc-
cession without a reasonable cause, in their
sight and censure. And seeing that they only are
to be judges of this case, (as now I haue said)
vve are to presume that vwhat they determyne,
is iust and lawful for the tyme, and if at one
tyme they shold determine one thing, & the
contrary at an other, (as they did often in In-
gland during the contention betwene York &
Lancaster and in other like occasions) vwhat
can a priuate man judge otherwise; but that
they had different reasons and motions to leade
them at different tymes, and they being pro-
perly lords and owners of the vvhole busnes,
committed vnto them, it is enough for euery
particuler man to subiect himselfe to that
vwhich his common vwealth doth in this be-
halfe, and to obey simply without any further
inquisition, except he shold see that open in-
justice vvere donne therin or God manifestly

Open iniustice to
be resuled.

Open iniustice I cal (said he) when not the true common wealth, but some faction of wicked me should offer to determine this matter, without lawful authority of the realme committed to them, and I cal manifest offence of God, and danger of the realme, when such a man is preferred to the crowne, as is evident that he wil do vwhat lyeth in him to the prejudice of them both, I meane bothe of Gods gloriy and the publique wealth, as for example, if a Turke or Moore (as before I haue said) or some other notorious wicked man, or tyrant, should be offred by succession or otherwise to governe among Christians, in which cases euery man (no doubt) is bound to resist vwhat he can, for that the very end and intent for which al gouernement vvas first ordeyned, is herein manifestly impugned.

Thus the Ciuilian discoursed, and the whole company seemed to like very vvel therof, for that they said his opinion appeared both prudent and pious, and by this occasio it came also presently in question, vwhat vvere the true causes and principal points, which ought to be chiefly regarded, as wel by the commo wealth as by every particular man, in this great action of furthering or hindering any Prince towards a crowne. And they said vnto the Ciuilian, that if he vwould discusse in like manner this pointe vnto them, it would be a very apt and good conclusion to al his former speach and discourses, which

vwhat
are the
cheefe
pointes to
be regard-
ed in a
princes ad
mission.

vvhich hauing bin of the authority that weale publiques haue ouer princes titles, this other of the causes and considerations that ought to lead them for vse and excercise of the same authority, would fal very fit and necessary for the vp shott of al.

Heerunto the Ciuilian answered, that he wel saw the fynes and importance of the matter, and therfore that he was content to speak a word or two more therof, notwithstanding that much had bin said alredy therin, towitt, in al those pointes which had bin disputed about the end of gouernment, and why it vvas appoyned, which ende (said he) seing it is (as largely hath bin proued before) to defend, preserue, and be- vvhence nifite the common wealth, heer hence, that is, from this consideration, of the weal publique, are to be deduced al other considerations of the reasons of most importance, for discerning a good or euel admitt- prince. For that whosoeuer is most likely to ing or re- syred, as most conforme to the end for vvhich gouvemt was ordeyned. to be ta- ken.

And on the contrary side, he that is least like to do this, deserueth least to be preferred, and heer (quoth he) you see doth enter also that consideration mentioned by you before, which diuers common vwealthes had in putting back oftentimes children & impotēt people (though otherwise next in blood) from succession, and pteferring more able men though further of by

discent, for that they were more like to defend well ther realme and subiects then the others were.

But to proceede (said he) more distinctly and more perspicuously in this matter, I would have you cal to mynde one point among others which I alleaged before, out of Girard the frēch author, to wit, that the king of france in his coronation is new appataled three tymes in one day, once as a prieste, & then as a iudge, and last as a king armed. Thetby to signifie three thynges committed to his charge, first religion, then justice, then man-hood and chivalry, for the defence of the realme.

This diuision semeth to me very good and fitt (quoith he) and to comprehend al that a wealpublique hath neede of, for her happy state and felicity, both in soule and body, and for her end, both supernatural and natural. For by the fist which is religion, her subiects do attayne vnto their end spiritual & supernatural, which is the saluation of their soules, & by the second and third, which are justice and defēce, they enjoy their felicity temporal, which is to live in peace among them selues, and safety from their enimyes, for which cause it seemeth that these are the three points which most are to be regarded in every Prince, that commeth to government, and much more in him that is not yet admitted therunto, but offreth himselfe to the common wealth for the same purpose.

Girard li.
3. de l'E-
stat pag.
242.

Three
principal
points to
be consi-
dered.

And

And for that the later two of thes three points which are iustice & man-hood , hath bin often had in consideration,in the examples of chan-
ges before mentioned, and the first point which is religion, hath rarely or neuer at al byn talked of, for that in former tymes the prince and the people were awaves of one and the same reli-
gion, and scarle euer any question or doubt fel in that behalfe (which yet in our dayes is the principal differēce and chiefest difficultie of al other) for thes causes (I say) I shal I accommo-
date my selfe to the circumstance of the tyme, wherin we live, and to the present case vvhich is in question betwixt vs about the succession of Ingland, and leauing a side those other two considerations of iustice and chiualry in a king, vvhich are far lesse important, then the other (though yet so highly regarded by ancient cō-
mon wealthes as you haue hard) I shal treate principally of religion, in this place, as of the first and highest, and most necessary pointe of al other, to be considered in the admission of any prince , for the profit of his subiects: for that without this, he destroyeth al, and vwith this, albeit he shoulde haue defects in the other two pointes of iustice and manhode, yet may it be holpen, or his defect or negligence maye be supplied much by others, as after I shal shew more in particular, but if he vwant feare of God, or care of religion, or be peruersly per-
suaded therin, the damage of the weale publique is incſtimable. First of al then, for better

VVhy he
resolueth
to treat of
religion
principal-
ly.

The cheef vnderstanding of this point, vve are to suppose, end of a common wealth supernaturall. that the first cheefest, and highest ende that God and nature appointed to every common wealth, vvas not so much the temporal felicity of the body, as the supernatural and euerlasting of the soule, and this vvas not only revealed to the Iewes by holy scripture, but also vnto the gentiles and heathens by the instinct and light of nature it selfe. For by this light of natural reason, the learned sort of them came to vnderstand the immortality of the soule, & that her felicity perfection and ful contentment, which they called her final ende and *summum bonum*, could not be in this life, nor in any thing created vnder heauen, but must needs be in the life to come, and that by atteyning to enjoy some infinite endles & immortal obiect, which could fully satisfie the appetite of our soule, & this could be no other then God, the maker of al himselfe. And that consequently al other things of this transitory life, and of this humane common wealth, subiect to mans eyes, are ordeyned to serue and be subordinate & directed to the other higher ende, and that al mans actions in this vvorlde, are first of al, and in the highest degree, to be imployed to thc recognising, seruing, and honoring of this great Lord that gouerneth the whole, as author and end of al.

Philoso-
phers and
lavy ma-
kers vwhat
end they
had of
gher
doings.

To this light I say, came the heathens euuen by the instinct and direction of nature, wherof insued that ther was neuer yet pagan Philoso-
pher

pher that wrote of framing a good common
wealth as *Socrates*, *Plato*, *Plutarch*, *Cicero*, and
others nether lawmaker among them that left
ordinaces for the same purpose, as *Deucalion*, *Mi-
nos*, *Zaleucus*, *Eicurgus*, *Solo*, *Ion*, *Numa*, or the like,
vvhich besides the temporal ende of directing
thynges wel for the body, had not especial care
alto , of matters apperteyning to the mynde,
to vvit, of nourishing , honoring , and re-
vvarding of vertue , and for restrayning and
punishing of vicee , and vvickednes , vwherby
is euident that their end and butt was to
make their cytizens good and vertuous, which
vvas a higher end, then to haue a bare con-
sideration of temporal and bodily benifits
only , as many gouernours of our dayes
(though Christians in name) seeme to haue,
vwho pretend no higher end in ther gouer-
ment then bodily vwealth , and a certayne
temporal king of peace and iustice among
ther subiects,vvhich diuers beasts also do reach
unto , in ther congregations and common ^{the com-}
wealthes, as is to be see me among emetts and ^{mon}
bees , cranes, lyons, and other such creatures, ^{vwealth}
of bea-
that by instinct of nature are sociable , and do
live in company, and consequently also do
maynteyne so mnch order and pollicy in ther
common vwealth, as is needful for their preser-
uation and continuance.

But nature taught man a far higher
and more excellent ende in his common
wealth, which was not only to prouide for thos

The nare
ral end of
mans co-
mon
vwealth.

bodily benetits that are common also to creatures without reason, but much more for those of the mynd, and aboue al for the seruing of that high and supieme God , that is the beginning & end of al the rest. For whose service also they learned by the same instinct and institution of nature, that the chiefest and supremest honor that could be done vnto him in this life by man, was the honor of sacrifice and oblations, vvhich we see vvas begun and practised euen in those first beginnings of the law of nature, before the leuitical law, and the particular formes of this same law, were prescribed by Moyses. For so we read in Genesis of Noë, that he made an alter and offred sacrifices to God vpon the same, of al the beastes and byrdes that he had in the arke , *odoratusque est Dominus odorem suavitatis*, and God receaued the smel, of thes sacrifices, as a sweet smel. Which is to say, that God was highly pleased therwith, and the like vve reade of Iob that vvas a gentile , and ligned before Moyses, *sanctificabat filios consurgensque diluculo offerebat holocausta per dies singulos*. He did sanctifie his children, and rising early in the morning did offer for them holocaustes or burut sacrifices every day.

This men vsed in those dayes, and this they were taught by law of nature, I meane boith to honor God aboue al things, and to honor him by this particular way of sacrifices, vvhich is proued also euidently by that which at this day is founde and seene in the Indians , vvhether

Sacrifices
and obla-
tions by
nature.

Gen 8,20.

Iob. 1.

never any notice of Moyses law came, and yet no nation hath ever bin found among them, that acknowledgeth not some kinde of God, and offereth not some kinde of sacrifice vnto him.

And albeit in the particular meanes of honoring this God, as also in distinguishing betweene false Gods and the true God, thes people of the Indias haue fallen into most grosse & infinite errors, as also the gentiles of Europe, Asia, & Africa did, by the craft & subtily of the diuel, which abusing their ignorance, did thrust him selfe into the place of God, and deriuued & drew those sacrifices and supreme honors vnto himselfe, vvhich vvere dew to God alone, yet is it euident heerby (and this is sufficient for our purpose) that by God & nature, the highest and chiefeſt end of euery common vvealtheſt, is ^{The chife end of a} *Cultus Dei*, the seruice of God, and religion, and consequently that the principal care & charge ^{common vvealtheſt &} mageſtrates ^{mageſtrateſt is reli-} of a prince and mageſtrate euuen by nature it ſelfe, is, to looke therunto, wheroſt al antiquity both among Iewes and Gentiles, vvere vizont to haue ſo great regard, as for many yeares and ages their kings & chiefe mageſtrates vvere also preeſtes: and diuers lerned men do hold, that the priuilege and preheminence ^{Gene-} of primogenitura or the firſt borne children, ^{brad. 1. 1.} ^{Chronol.} ſo much eſteemed in the law of nature (as before vve haue ſene) coiſited principally in this, ^{deut. 1. 14.} ^{te. Gen. 25. & 19.} that the eldeſt ſonnes were preeſtes & had the ^{Deut. 21.} charge and dignity of this greateſt action of al ^{2. Pafal. 24.}

other vpon earth, vwhich our temporal Magistrates so little regard now.

Regard of religion among gentiles. And this respect and reverence towvards religion vvas so greatly planted in the brests of al nations by nature herselfe, as Cicero pronounced, this general sentence in his tyme.

Cicero lib. 1. quest. 1. rusc. & de natura deorum lib. 1. Nulla est gens tam fera, nulla tam immanis, cuius mentem non imbuerit dcorum calendorum religio. Thet is no nation so feare or barbarous, whose myndes are not indued vvhith some religion of worshipping Gods.

Plutarch aduersus Colotem. And Plutarch writing against a certaine Atheist of his tyme saith thus: If you trauaile far countries, you may chance to find some cities, without learning, without kings, without riches, without money, but a citty without temples, and without Gods and sacrifices, no man yet hath euer seene. And finally

Aristotle. lib. 1. politici. c. 8. Aristotle in his politiques hauing numbred diuers things, necessary to a common wealth, addeth thes wordes. Quintum & primum. Circa. rem diuinam cultus, quod sacerdotium sacrificiumque vocant. In the fift place (which in deed ought to be the first of al other) is necessary to a common wealth, the honor and seruice dew unto God, which men commonly do comprehend by the woordes of preest-hode and sacrifice.

The absurd Atheisme of our tyme in politiques. Al this I haue alleged to confute euен by the principles of nature herselfe, the absurd opinions of diuers atheistes of our tyme, that will seeme to be great politiques, who affirme that religion ought not to be so greatly respected in a prince, or by a prince, as though it vvere

it were his chiefeſt care or the matter of moſt importance in his gouernment, which you ſee how falſe and impious it is, euē among the gētiles themſelues, but muſt more amōg christians, who haue ſo muſt the greater obligatiō to take to hart this matter of religion, by how muſt greater light & knowledge they haue of God, and therfore we ſee that in al the princes othes which before you haue hard recited to be made & taken by them at their admiſſion & coronation, the firſt and principal point of al other, is about religion & maintenance therof, See be-
fore the
oth-
es
made by
princes at
their co-
ronations
in the 4-
chapter.

and according to this oth also of ſupreme prin-
ces, not only to defend and maynteyne religion by themſelues in al ther ſtates, but also by their lieftenaunts and vnder gouernours, we haue in our ciuil law a very ſolemne forme of an oth which Iuſtinian the Emperor, aboue a thouſand and 50. yeares gone, vvas wont to giue to al his gouernours of countries, citties and other places, before they could be admitted to their charges, and for that it is very effectual, & that you may ſee therby what care there was of this matter at that tyme: and vhat manner of ſolemne and religious protestations, as also imprecaſions they did vſe therin, it ſhal not be amifle perhaps to repeat the ſame in his owne woords which are theſe following.

The title in the Ciwil law is: *iuramentum quod Praefatur, ijs qui administrationes accipiunt,* the oth vvhich is given to them that receaue gouernments, and then the oth beginneth thus.

Collat. 2. Iuro per Deum omnipotentem & filium eius unigenitum
 Nouella constit. Dominum nostrum Iesum Christum & Spiritum sanctum,
 Iustin. 3. & per sanctam gloriosam Dei genitricem &
 semper virginem Mariam, & per quatuor euangelia
 que in manibus meis teneo, & per sanctos archangelos
 Michaelem & Gabrielem puram conscientiam germanumque seruitum me seruaturum sacrissimis nostris
 Dominis Iustiniano & Theodosie coniugi eius, occasione
 traditae mihi ab eorum pietate administrationis. Et quod
 communicator sum sanctissima Dei Catholica & Apostolice
 Ecclesie, & nullo modo vel tempore aduersaborei, nec
 alium quocunque permittam quantum possibilitate habeam,
 & si vero non haec omnia seruauerero, recipiam
 omnia incomoda hic & in futuro seculo in terribili iudicio magni Domini Dei & saluatoris nostri Iesu Christi,
 & habebo partem cum Iuda & cum lepra Giezi, & cum
 tremore Cain, insuper & penitus quae lege eorum pietatis

Note the forme of continentur ero subiectus. Which in English is thus,
 this othe I do sweare by almighty God, and by his holy
 vvyten.
 An Dñi sonne our Lord Iesus Christ, and by the holy
 360. ghost, and by the holy glorious mother of God,
 „ the perpetual virgin Marie, and by the four
 „ holy gospells which I do hold in my hand, &
 „ by the holy archangels S. Michel and S. Cabriel,
 „ that I wil kepe a pure conscience, & performe
 „ true seruice vnto the sacred persons of our
 „ Lords and princes Iustinian and Theodosia his
 „ wife, in al occasions of this goaerment, by their
 „ benignity committed vnto me. Moreouer I do
 „ sweare that I am communicant and member of
 „ the most holy Catholique and Apostolique
 „ church of God, and that I shal neuer at any
 tyme

tyme heerafter be contrary to the same, nor suffer any other to be, as much as shall ye in my possibilitie to let. And if I shoulde break this oþer or not obserue any poynt therof, I am content to receaue any punishment both in this vworld as also in the world to come, in that last and most terrible iudgment of our great Lord and sauour Jesus Christ, and to have my part with Iudas, as also with the leprosy of Giezi and with the feare and trembling of damned Cain: and besides al this I shalbe subiect to al punishments that are ordeyned in the lawes of their Majestyes, concerning this affaire.

This oþer did al the gouernours of christian countryes take in old tyme, vwhen christian Emperors did florish, and it hath remayned for a law and president euer since to al posterity. And if we ioyne this vwith the other oþers before set downe in the fist chapter, vwhich Emperors and kings did make themselues (vnto their ecclesiastical Prelates, at their fist admission) about this point: vve shoule see nothing vvas so much respected in admission of a prince, or Gouernor (nor ought to be) as religion, for that (as I haue said before) this is the chiefest, greatest, & highest ende, of euery common vwealth, entended both by God and nature, to assist their subiects to the atteyning of their supernaturall ende, by honoring and seruing God in this life, and by liuing vertuously, for that otherwise God shoule draw no other frute or commodity out of humane common vwealthes.

vvealthes, then of an assembly of brutish creatures, maynteyned only and gouerned for to eate drink and liue in peace, as before hath bin declared.

**Hovv
great a
defect is
want of
religion
in a Mag-
istrate.**

But the end of man being far higher then this: it followeth that what-soever prince or magestrate doth not attend vwith care to assist and helpe his subiects to this ende, omitteth the first and principal part of his charge, and committeth high treason against his lord and master, in whose place he is, and consequently is not fit for that charge and dignity, though he should performe the other two partes, neuer so vvel, of temporal iustice and valor in his person, vwhich two other poyntes do apperteyne principally to the humane felicity and baser ende of mans weale publique, and much more of a christian.

**Lack of
religion
the che-
fest cause
to exclud
a preten-
dot.**

Heeroft insueth also that nothing in the vworld can so iustly exclude an heyre apparent from his succession, as want of religion, nor any cause what so-euer iustifie and cleare the conscience of the common wealth, or of particular men, that in this case shold resist his entrance, as if they iudge him faulty in this pointe, which is the head of al the rest, and for vwhich al the rest do serue.

You do remember that before I compared an heyre appatent vnto a spouse, betrothed
 Vide vi. gest. li. 23. & 29. only and not yet marryed, to the common
 leg. 2 vwealth. Which espousal or betrothing, according to all law both diuine and humane, may
 be broken

be broken and made voyd much easier and vpon far lesser causes then an actual perfect maryng may, of vwhich our sauour himselfe said. *Quos Deus coniunxit homo non separabit*, vvhom God hath ioyned let no man separate, and yet saint Paule to the Corintinthians determineth playnely, that if two gentiles marryed together in ther gentility, (vvhich none denyeth to be true mariage for so much as concerneth the ciuil contract) and afterward the one of thē being made a christiā, the other vvil not liue with him or hei, or if he do, yet not vwithout blaspheming of God & tempting him to sinne: in this case (I say) the Apostle teacheth, and out of him the canon law setteth it downe for a decree, that this is sufficient to break & dissolute viterly this heathē mariage, although cōsummate betwene these two parties, and that the christian may mary againe, and this only for the want of religion in the other party, vvhich being so in actual mariage alredy made and cōsummate, how much more may it serue to vndoe a bare betrothing, which is the case of a pretender only to a crowne, as before hath bin shewed.

But you may say perhappes, that saint vvhether Paule speaketh of an infidel or heathen, that denyeth Christ playnely, and vwith vvhom the other party cannot liue, vwithout danger of sinne and leesing his fayth, vvl ich is not the case of a christian Prince though he be somewhat different from me in religion, to vvhich

Math. 16.

Marc. 10.

1. Cor. 7.

Lib. 4. do.
cret.Greg. tiz.
19. c. 7.

vvhich is answerd, that supposing ther is but one only religion that can be true among christians, as both reason and Athanasius his Crede, doth playnely teatch vs: and moreouer seing, that to me ther can be no other fayth or religio avaylable for my saluation then only that vvhich I my selfe do beleue, for that my owne conscience must testifie for me, or against me: certaine it is, that vnto me and my conscience he vvhich in any pointe beleueth otherwise then I do, and standeth vvilfully in the same, is an infidel, for that he beleueth not that vvhich in my fayth and conscience, is the only and sole truth, vvhether he must be saued. And if our saiuour Christ himselfe in his gospell, doth vvil certayne men to be held for heathens, not so much for difference in fayth and religion, as for lack of humility & obediece to the church: how much more may I hold him so, that in my opinion is an enimye to the truth, and consequently so long as I haue this opinion of him, albeit his religion vvere never so true, yet so long (I say) as I haue this contrary perswasion of him, I shal do against my conscience and sinne damnable in the sight of God, to preferr him to a charge where he may draw many other to his owne error and perdition, vwherih I do perswade my selte that he remayneth.

Hovv he
that doth
agaynst
his ovne
consciēce
sinneth.
Rom. 14.
1. Cor. 8.
2. Cor. 10.

This doctrine (vvhich is common among all diuines) is founded vpon that discourse of S. Paule to the Romans and Corinthians, against such christians as being invited to the banquettis

banquets and tables of gentiles and finding
meates offred to Idoles (which themselues do
judge to be vnlawful to eate) did yet eate the
same, both to the scandal of other infirme men
ther present, as also against their owne iudgmēt
and conscience, which the Apostel saith vvas
a damnable sinne, and this not for that the
thing in it selfe was euell or vnlawful, as he sheweth,
but for that they did iudge it so, and yet
did the contrary. *Qui discernit si manducauerit,*
damnatus est, saith the Apostle. He that discer-
neth or maketh a difference betwene this meat
and others, as iudging this to be vnlawfull and
and yet eateth the same, he is damned, that is
to say he sinneth damably or mortally. Wheroft
the same Apostle yealdeþ presently this reason.
Quia non ex fide, for that he eateth not according
to his faith or beleefe, bnt rather contrary, for
that he beleuing it to be euell and vnlawful,
doth notwithstanding eare the same, and heere
vpon S. Paul inferreth this vniuersal proposition,
Omne autem quod non est ex fide peccatum est,
al that is not of fayth or according to a mans
owne beleefe, is sinne to hym, for that it is
against his owne cōscience, iudgmēt & beleefe,
beleeuing one thing, and doing an other, and
seing our owne conscience must be our witnes
at the last day, to condemne or deliuere vs, as
before I haue said, he must needs sinne gre-
uously (or damably as the Apostle here saith)
vwho committeth any thing against his owne

See vppō
this place
of S. Paul,
S. Chri-
soft. hom.
36. in hāc
epistolā.
Orig. l. 10.
Theodor.
in hunc
locum.

Q

con-

conscience, though otherwise the thing vvere not only indifferent, but very good also in it selfe, for that of the doers part ther vwanteth no malice or wil to sinne, scing he doth that which he apprehendeth to be naught, though in it selfe it be not.

Hovv dā-
grous to
faouour a
pretender
of a con-
trary reli-
gion.

And now to apply al this to our purpose for England, and for the matter we haue in hand, I affirme and hold, that for any man to giue his helpe, consent or assistance towards the making of a king, whom he iudgeth or beleueth to be faultie in religion, & consequently would aduance either no religion, or the wrong, if he were in authority, is a most greuous and damnable sinne to him that doth it, of what side soever the truth be, or how good or bad so euer the party be, that is preferred. For if S. Paul haue pronounced so absolutely and playnly in the place before alleaged, that euен in eating of a peece of meat, it is damnable for a man to discerne and yet to eate: what may we thinke wil it be in so great and important a matter, as the making of a king is, for a man to dissemble or do against his owne conscience, & iudgmēt, that is to say, to discerne and iudge that he is an infidel, or heritique, or wicked man, or Atheist or erronens in religion, and yet to further his aduancement and gouernment ouer christians, wher he shalbe able to peruerit infinite, and to pull downe al honor & seruice dew vnto God, and vwhether he do this euel afterwards or no:

yet

yet shal I be guyltie of al this , for that know-
ing and persuading my selfe, that he is like,
or in disposition to do it, yet for feare , flattery
carelesnes, kintred , emulation against others,
vaine pretence of title, lacke of zeale to gods
cause, or for other the like passions or temporal
respectes , I do fauour further ot sooth him in
his pretences, or do not resist him, when it lyeth
in my power, by al vvhich I do iustly make my
selfe guyltie of al the euills , hurts, miseries
and calamities both temporal and spiritual,
vvhich afterward by his euel gouerment do
or may ensew , for that I knowing him to
be such a one , did notwithstanding assist his
promotion.

And thus much now for matter of cōscience, Against
and po-
licy to
preferre a
prince of
a contra-
ry religiō.
but if we consider reason of state also , and vvhisdom
wordly pollicie, it cannot be but great folly &
ouersight for a man of what religion soever he
be, to promote to a kingdome in which him-
selfe must liue, one of a contrary religion to
himselfe; for let the bargaines and agreements
be vwhat they wil, and fayre promises & vayne
hopes neuer so great, yet seing the prince once
made and settled , must needes proceede accord-
ing to the principles of his owne religion, it
followeth also that he must come quickly to
break with the other party , though before he
loued hym neuer so vvel , (which yet per-
haps is very hard if not impossible for tvvo
of different religions to loue sincerely) but if it

vvere so, yet so many ielosies, suspitions, accusations, calumniations and other auersions must needes light vpon the party that is of different religion from the state and Prince, vnder whom he liueth, as not only he canot be capable of such preferments, honors, charges, gouerments, and the like which men may deserue and desyer in their commō wealthes, but also he shalbe in continual danger and subiect to a thousand molestations and iniurys, which are incident to the condition and state of him, that is not currant whith the course of his prince and realme in matters of religion, and so before he beware, he becommeth to be accompted an enimye or backward man, which to remedy he must either dissemble deeply, and against his owne conscience make shew to fauour and set forward that vvhich in his hart he doth detest (vvhich is the greatest calamitie & misery of al other, though yet many tymes not sufficient to deliuier him from suspition) or els to auoyd this euerlasting perdition, he must break withal the temporal commodityes of this life, and leauue the benifits which his country and realme might yeld him, and this is the ordinary end of al such men, how soft & sweet soever the beginnings be.

The conclusion
of the
whole
speech.

And therfore to conclude at length, al this tedious speech (vvhetherwith I feare me I haue wearied you against my wil) seeing ther be so great inconueniences and dangers both temporal

poral and eternal, and in respect both of God and man, of body and soule, as hathe bin declared, to aduance a prince of contrary religion, to the crowne, and cōsidering that in Ingland ther is so great diuersitie of religions, as the world knoweth, betwene these parties and factions, that haue to pretende or admitt the next prince after her Maiestie that now is: calling to mynd also the great liberty, scope , and authority which the common vwealth hath in admitting or reiecting the pretenders vpon dew considerations be ther right of succession neuer so playne or cleare , as before hath bin shewed: and laying finally before our eyes the manifold and different actes, of christiam realmes, before mentioned in this affaire, al thes things (I say) being layd together, you may see whether I had reason at the beginning , to thinke and affirme, that it was a doubtful case who shoulde be our next prince after the Queenes Maiestic that now sitteth at the sterne, and if beyond and aboue al this that I haue said , our frend the common lawyer heete present, shal proue also (as at the first enterance he promised) that amōg such as do or may pretend of the blood royal at this daye, their true succession and next propinquity by birth is also incertayne and disputable , then is the matter made ther-by much more ambigious, and God only knew hwho shal preuaile , and to him only is the matter to be commended, as far, as I see, and vwith

this I make an ende , thanking you most
hartely for your patience , and crauing par-
don for that I haue bin ouer long, or for
any other fault that in this speach
I haue committed,

F I N I S.





THE PREFACE OF THE SECOND PARTE.

THE Ciuilian had no sooner ended his discourse, but al the company being most desirous to here what the temporal lawyer had prepared to say, about the seueral titles of the present pretendors to the crowne of Ingland, began with one accord to request him earnestly for the performance of his promised speach in that behalfe, who shewing himselfe nether unwilling nor unready for the same, told them, that he was content to yeald to their desyres, but yet with one condition, which was, that he would take in hand this matter with the same asseueration and protestation, with the Ciuilian in some occasions had vsed before him, and it liked him wel, to wit, that hauing to speak in this discourse of many princes, peeres, and nobles of the royal blood of Ingland (to al which by law of nature equity and reason he said that

A protestation of the lawyer.

THE PREFACE

he bare reuerent honor and respect) and to discussē their seueral pretentions, rightes, intereſtes and titles to the crowne, he said, that his meaning was, to offend, hurt, or preiudice none: nor to determyne any thing resolutly in fauor or hinderance of any of their pretences or claymes, of what side, family, faction, religion, or other party ſoeuer he or ſhe were, but rather playnly and indifferently without hatred or partial affection, to or againſt any, to lay downe ſincerly what he had hard or reade, or of himſelfe conceaued, that might iustly be alleaged in fauour or diſfauour of euery tytler.

And ſo much the rather he ſaid that he would do this, for that in very truth the Ciuilans speech had put him in a great indifferēcy, concerning matter of ſuccēſſō, & had take out of his head many ſcrupulosites about nyſe points of neernes in blood, by the many examples & reaſons that he had alleaged of the proceeding of Christian cōmon wealthes in this affayre, preferring oftentimes him that was further of in blood, vpon other cōſideratiōs of more waight & importance, which point ſeemed to him to haue bin ſo euidently proued, as no man can deny it. & much leſſe cōdēne the ſame, without the incōueniēces before alleaged & mentioned,
of calling

VVhy the
vvil not
deter-
myne of
any one
title.

OF THE II. PART.

of calling al in doubt that now is established in
the world, considering that not only foraine
countries, but Inglād also it selfe so often hath
vſed the ſame putting back the next in bloode.

VVherfore he ſaid, that for as much as com-
mon wealthes, and the conſent, wil, and deſire
of each realme was proued to haue high and
ſoueraine authority in this affayre, and that
as on the one ſide, neernes of blood was to be re-
ſpected, ſo on the other, ther waited not ſundry
conſiderations & circumſtāces of as great mo-
ment as this, or rather greater, for that often-
yimes theſe conſiderations had bin preferred
before neernes of blood, as hath byn declared,
I do not knowe quoth he, who of the pretenders
may next obteyne the garland, what ſocuer his
right by propinquity be, ſo he haue ſome (as I
thinke al haue that do pretend) and therfore I
meane not to ſtand vpon the iuſtification or
impugning of any one title, but rather to leaue
al to God and to them, that muſt one day try
& iudge the ſame in Inglād, to whome I ſuppoſe
this ſpeech of myne, can not be but grateful &
commodious, for the better underſtanding &
diſcerning of thofe matters, wheroſe of neceſſity
er it be longe they muſt be iudges & vmpires,
when God ſhal appoint, and conſequently

25 for them

THE PREFACE OF THE II. PART.
for them to be ignorant or unaquainted with
the same (as men say that commonly most in
Inglaud at this day are) cannot be but very in-
conuenient and dangerous.

In this manner he spake, and after this he
began his discourse, setting downe first of al
the sundry bookeſ and treatiſes which he un-
derſtood had bin made or written hitherto of
this affaire.



OF THE



OF THE DIVERS BOOKES AND TREATISES THAT HAVE BIN VVRITTEN

*heretofore about the titles of such as pretend to
the crowne of Ingland, and what they do
conteyne in fauour or disfauour of
sundry pretenders.*

CAP. I.

ACCORDING to the variety
of mens iudgments and affe-
ctions in this behalfe, so said
the lawyer , that diuers had
written diuersly in sundry
bookes & treatises that had
come to light, & went among men frō hand to
hand though al were not printed. And fist of al
he said, that not long after her maiesties com-
ming to the crowne , ther appeered a certayne
booke vvritten in the fauour of the house of
Suffolke, and especially of the children of the
Earle of Hartford by the Lady Catherin Gray, The book
vvhich booke offended highly the Queene and of Hales
and Sir nobles of Ingland and vvas aftervvards found Nicholas
to be written by one Hales surnamed of the Bacon,
clubb foote, vvhich was clarke of the hamper, &
Sir Nicholas Bacon then Lord keeper was pre-
sumed

A Conference touching succession

sumed also to haue had a principal part in the same, for vwhich he vvas like to haue lost his office, if Sir Antony Browne that had bin cheefiudge of the comon pleas in Queene Maries tyme vwould haue accepted therof, vwhen her Maiestie offred the same vnto him, and my Lord of Leicester earnestly exhorted him to take it, but he refused it for that he was of differēt religion from the state, and so Sir Nicholas Bacō remayned vwith the same at the great instance of Sir William Cecill now Lord Treasorer, who though he vvere thought to be priuy also to the said booke, yet vwas the matter so vvisely laid vpon Hales and Bacon, as Sir William was kept free, therby to haue the more authority and grace to procure the others pardon, as he did.

The but
of Hales
book.

First rea-
son.

The bent and butt of this book, vvas (as I haue said) to preferr the title of the Lady Catherin Gray daughter of the Lady Frauncis Duches of Suffolk which Frauncis was daughter to Mary the yonger daughter of King Henry the seventh, before the title of the Queene of Scotts then liuing & of her sonne, which were discended of Lady Margeret eldest daughter of the said king Héry. And the reasons which this book did allege for the same were principally two, the first, that the lawes of Ingland did not admitt any strainger or alien to inherit in Ingland, to vvit, any such as were borne out of the allegiance of our realme (for so are the wordes of the law) and for that the Queene of Scotts

of Scotts and her sonne are knowne to be so borne, therfore they could not succeed, and consequently that the house of Suffolck descended of the second daughter, must enter in ther place.

The second reason is, for that ther is giuen ^{2. Reason} authority to king Héry the eight by two seueral acts of parliament in the 28. and 36. yeare of his reigne to dispose of the succession by his last will & testament, as he shoulde think best, among those of his kinred that did pretend after his children, and that the said king according to his commission, did ordeyne that if his owne children did dye vwithout issue, then the of-spring of his yonger sister Mary that vvere borne in Ingland shoule be preferred before the issue of the elder that vvas Margaret married into Scotland, and this was the effect of this first book.

Against this booke were vverytē two other soone after, the first by one Morgan a diuine (if I remember vvel) some tymes fellow of Oriel College in Oxford, a man of good accompt for learninge amone those that knew hym, & he vvas thought be haue written the saide book, by the aduise and assistance of the forsaide Judge Browne, which thinge is made the more credible, by the many authorites of our cōmon law vwhich therin are alleaged, and the partes of this booke (if I forget not) vvere three, or rather they were three bookes of one treatise, the first wheroft dyd take vpon it to cleare the saide

The
booke of
M. Mor-
gan and
judge
Browne.

saide Queene of Scottes for the murder of the lord Darly her husband , which by many vvas layde against her. And the seconde dyd handle her tytle to the crowne of Ingland : and the third dyd answer the booke of Ihon Knox the Scott, intituled, *against the monstruous gouernment of women.* Of al vwhich three pointes, for that the second that conserneth the tytle, is that vwhich properly appertayneth to out purpose, and for that the same is handled agayne and more largely in the second booke set out not longe after by Ihon lesley lord bishope of Rosse in Scotland, vwho at that tyme was Embassador for the saide Queene of Scottes in Ingland, and handled the same matter more abundantly vwhich M. Morgan had donne before hym, I shal saye no more of this booke of M. Morgan, but shal passe ouer to that of the bishope, vwhich in this point of succession conteyneth also vwhat soeuer the other hath, so as by declaring the contentes of the one vve shal come also to see vwhat is in the other.

The intent then of this book of the bishope of Rosse, is to refute the other booke of Hales and Bacon, and that especially in the two points before mentioned , which they alleged for their principles, to witt , about forrayne birth, and king Henries testament. And against the first of these two pointes the bishop alleageth many proofes that ther is no such maxima in the cōmon lawes of Inglaud to disherit a prince borne out of the land from his or her right of succession,

succession, that they haue by blood. And this first, for that the statute made for barring of al-liens to inherit in Ingland (vwhich was in the 25. yeare of the reigne of king Edward the third) is only to be vnderstood of particular mens inheritance, and no wayes to be extended to the succession of the crowne, as by comparison of many other like cases is declared: and secondly for that ther is expresse exception in the same statute of the kings children and of Spring: and thirdly for that the practise hath alwayes bin contrary both before and after the conquest, to vvit that diuers princes borne out of the realme haue succeded.

The other principle also concerning king ^{To the} Henries testament, the bishop impugneth, first ^{2. reason.} by diuers reasons & incongruities vtherby it may be presumed that king Henry never made any such testament, and if he did, yet could it not hold in law. And secondly also by vvitnes of the Lord Paget that was of the priuy councel in those dayes, & of Sir Edward Montague lord chiefe justice, and of one VVilliam Clark that set the kings stamp to the writing, al which auowed before the councel and parliament in Queene Maryes tyme, that the said testament vvas signed after the king vvas past sense and memory.

And finally the said bishop concludeth that the line of Scotland is the next euery way, both in respect of the house of Lancaster, and also of York, for that they are next heyres to K. Henry ^{the}

the eight, who by his father was heyre to the house of Lancaster, and by his mother to the house of York.

Heghing.
tons
booke. But after these three bookes, was vvritten a fourth, by one Robart Highinton secretary in tyme past to the Earle of Northumberland, a man wel read in storyes and especially of our countrey, who is said to be dead some yeares past in Paris. This man impugneth al three former bookes in diuers principal points and draweth the crowne from both their pretendors, I meane as wel from the house of Scotland as from that of Suffolk, and first against the booke of Hales and Sir Nicholas Bacon, writen (as hath bin said) in fauour of the house of Suffolk Heghington holdeth with the Bishop and Morgan that thes two principles layd by the other, of forayne birth, and of king Henries testament against the Scottish line, are of no Validity, as nether ther reasons for legittimating of the Earle of Hartfords children, vvhich afterward shalbe handled.

And secondly he is against bothe Morgan & the Bishop of Rosse also in diuers important points, and in the very principal of al, for that this man (I meane Highington) maketh the king of Spayne to be the next and most righful pretender by the house of Lancaster, for proofe vvhерof he holdeth first that king Henry the 7. had no title in deede to the crowne by Lancaster, but only by the house of York, that is to saye, by his marriage of Queene Elizabeth elder daughter

daughter to king Edward the fourth, for that albeit himselfe were discended by his mother from Iohn of Gaunt duke of Lancaster, yet this vvas but by his third vwife Catherin Swynford, and that the true heyres of Blanch his first vwife duches and heyre of Lancaster (to whom sayth he apperteyned only the successiō after the death of king Henry the sixth, and his sonne, with whom ended the line male of that house) remayned only in Portugal by the mariage of Lady Phillip, daughter of the foresaid Blanch, to kinge Ihon the first of Portugal, & that for as much as king Phillip of Spaine saith this man, hath now succeeded to al the righte of the kings of Portugal, to him appertayneth also, the only right succession of the house of Lancaster, and that al the other discendents of king Henry the 7. are to pretend only by the title of Yorke, I meane aswel the line of Scotland as also of Suffolk and Huntington, for that in the house of Lancaster king Phillip is evidently before them al.

Thus holdeth Heghington, alleaginge diuers stories arguments and probabilities for the same, & then adioyneth two other propositions, which do importe most of al, to vvit, that the title of the house of Lancaster was far better, then that of York, not for that Edmond Crokback first founder of the house of Lancaster, vwho was sonne to king Henry the third and brother to king Edward the first, was eldest to the said Edward and iniuriously put

George
Lilly in
fine Epit.
chronic.
Anglic.

backe for his deformity in body, as both the said
bishop of Rosse and George Lylly, do falsly
hold, and this man refuteth by many good ar-
gumentes, but for that Iohn of Gaunt Duke of
Lancaster being the eldest sonne that King
Edward the third had a liue when he dyed,
should in right haue succeeded in the crowne
as this man holdeth, and shoulde haue bin pre-
ferred before Richard the second that was the
black princes sonne, vwho vvas a degree fur-
ther off from king Edward the third his grand-
father, then vwas Iohn of Gaunt, to whom king
Edward vwas father, and by this occasion this
man cometh to discusse at large the opinions
of the lawyers, vvhether the vnkle or the ne-
phew shoulde be preferred in the succession of
a crowne, to vvit, vvhether the yonger brother
or the elder brothers sonne, if his father be
dead vvitout being sealed of the same (which
is a point that in the ciuil law hath great dis-
putation and many great authors on each side
as this man sheweth) and the matter also wan-
teth not examples on both parties in the suc-
cession of diuers English kings, as our frend the
ciuil lawyer did signifie also in his discourse, &
vve may chance to haue occasion to handle
the same agayne, and more largely heerafter.

These poyntes toucheth Highintō thought
diuers other he leauē vntouched, vvhich are of
much importance for the resolusion, as whether
after the lyne extinguished of kinge Henry the
4. vvhich vwas the eldest sonne of Ihon of
Gant

Gant, ther should haue entered the line of lady Philippe the eldest daughter lawfully begotten of Blanch first wyfe of Ihon of Gant, or els the race of Ihon Earle of Somersett yonger sonne by his third wyfe, which then was base borne, but legetimated by parliament, for of Phillip do come the kinges of Portugal, and of Ihon came king Henry the seventh. And againe these pointes had byn to be disputed as vvel touching the succession to the dukedom of Lancaster alone, as also to the crowne ioyntely, all which articles shal severally afterward be handled in ther places, and thus much of this booke.

More then these fower bookes, I haue not diuers seene vvritten of his affaire, though I haue hard of one made in Flanders in the behalfe of the Duke of Parma, that is now, vwho by his mother descendeth of the same line of Portugal, that the king of Spaine doth, and as this book pretendeth (if we respect the ordinary course of English lawes in particuler mens inheritances) he is to be preferred before the said king, or any other of the howse of Portugal for that his mother descended of the yonger sonne, and the king of the elder daughter, of the king of Portugal: and albeit according to the law of Portugal the king vvas adiuged next heire to that crowne, yet say they by our lawes of Ingland he cannot be, vwhich after must be examined.

Thus sayth that book, and he alleageth

many reasons for the same , as it hath bin told me (for as I said I neuer came to haue a viewe of the vvhole booke) but diuers of his arguments I haue seene laid together, which I shal afterwards in place conuenient alleage vnto you , vwith the answers censures and replies that the contrary parties do make therunto.

Diuers other papers notes and memories I haue seene also (said he) as wel touching the succession of those vvhom I haue named as of others, for that *Syr Richard Shelly* who dyed some yeates a gone in Venice, by the name of Lord prior of S. Johns of Ingland, had gathered diuers points touching these affayres: & many more then he had M. Francis Peto that dyed in Millan, and vvas a very curious and wel readen man in genealogies, as may appeare by sundry papers that I haue seene of his. Their vwant not also diuers in Inglad who haue trauailed much in this busines, and I haue had the perusing of some of their labors, though I dare not discouer ther names lest therby I should hurt them, vwhich vvere not conuenient. But one great trouble finde I in them al, that euery man seeketh to draw the whole water vnto his owne mill, and to make that title alwayes most clere, whom he most fauoreth , and this vwith so greate probability of reason and authorty many tymes, as it is hard to retayne a mas consent from that which is said, vntil he haue read the reasons of the other party, and this also is a great proofe, of the wonderful ambiguity

Sir Ri-
chard
Shelly.

Franc. Pe-
to.

bigny and doubtfulnes which in this most important affaire is to be founde.

And by the way also I had almost forgotten A treatise
in the behalfe of
the Infanta
of Spaine. to tel you, how that of late I haue lighted vppō a certayne new discourse and treatise, made in the behalfe of the king of Spaines eldest daughter, whom he had by his wife, Isabel the eldest sister of the last king of France, vwhich Isabel and her daughter the infanta of Spaine called also Isabel, are presumed to be the lawful heires to the state of Britany, and to al other states that by that meanes of Britany or otherwise by vwomen haue come to France, or haue or may fal vpon a vwoman of the house of France, as the states of Ingland and other states therunto annexed may, for that they follow not the law salique of France, and so this treatise proueth that by diuers vwayes and for sundry considerations, this princesse of Spaine is also of the blood royal of Ingland, and may among others be intituled to that crowne, by a particuler title of her owne, beside the pretence vwhich her father the king or her brother the prince of Spayne haue for them selues, by the house of Portugal, al vwhich reasons and consideratiōs I shal alleage afterward in ther place & tyme, or at least-wise the chiefe & principal of them.

And to the end they may be vndeistooode the better, as also the clearnes and pretentions of al the rest that haue interest in this affaire, I shal first of al for a beginning and foundation

to al the rest that shal or may be spoken heer-
after, set downe by way of historical narration,
al the discents of our Inglysh kings and pre-
tenders that maye important to this our pur-
pose, from the conquest vnto our tyme, vvhich
being cōpared vwith the tree it selfe of genealo-
gies that shalbe added in the end of this confe-
rence, vvil make the matter more playne and
pleasant to the reader.

OF THE SUCCESSION OF THE CROWNE OF ING- LAND FROM THE CONQUEST VNTO the tyme of king Edward the third, with the begin- ning of three principal lignages of the English blood royal, dispersed into the houses of Britaine Lancaster and Torke.

C A P . II .

Diseent
of v Vil-
liam the
Conque-
tor.

NO man is ignorant said the lavvyer how William the Conqueror came to the crowne of Ingland, vvhich vvas in deed by dynt of sword, though he pretended that he vvas chosen by the vwill and testament of king Edward the confessor. But howsoeuer this weare, his posterity hath indured vntil this day and two and twenty princes of his race haue vvorne the Inglysh crowne after him; for the space of more then 5 hundred yeares, and how many more may yet do the same, God only knoweth: but if vve follow probability, vve cannot

cannot vwant of them, seeing his blood is so di-
persed ouer the vworld at this day, as by this de-
claration ensewing vvil appeare.

This king William according to Polidor ^{The chil-}
and other chronicles of Ingland, had by his ^{dares of} ^{the con-}
^{vvyf} Mathilda daughter of Baldwin Earle of ^{queror.}
Flanders, foure sonnes, and fve daughters, his ^{Polid. I. 9.}
eldest sonne vvas Robert vvhom he left duke ^{in fine,}
of Normandie, vwho vvas afterward depriued ^{Stovv in}
of that dukedom by his yonger and fowerth ^{vita Gu-}
brother Henry, vwhen he came to be king of ^{liel}
Ingland. His second sonne was Richard that
dyed in his youth, his third was William, sur-
named Rufus, for that he vvas of redd heare,
and the fowerth vvas Henry, vwhich two last
sonnes, vvere both kings of England one after
the other, as the vworld knoweth, bv the names
of William the second, and Henry the first.

The Conquerors daughters vvere first Ce-
cylie that vvas a Nonne, and the second Con-
stantia that vvas marryed to Alayn, surnamed
sergant duke of Britanie, and the third vvas
Adela or Alis marryed to Stephen countie Pa-
latine of Bloys, Champagne, and Chartres in
France, and the other two Polidor saith, dyed
before they were marryed, and so their names
vvere not recorded.

These are the children of king William the Conqueror, among whom after his death ther ^{The mi-}
^{vvas much strife about the succession: For first} ^{series of}
^{Duke Ro-}
^{berr and} ^{his sonne:}
of ancestry by birth shoulde haue succeded

him in al his estates , was put back , first from the kingdome of Ingland, by his third brother William Rufus, vpon a pretence of the Conquerors vvil and testament , for perticuler affection that he had to this his said third sonne William, though as Stow writeth , almost al the nobility of Inglaude vvere against Williās entrance. But in the end agreement vvas made between the two brothers , withe condition that if William shold dye vwithout issue, then that Robert shold succed him, and to this accord, both the princes themselues, and twelue principal pecres of ech side vvere sworne , but yet after when VVilliam dyed vwithout issue, this vvas not obserued, but Henry the fourth sonne entred, and depriued Robert , not only of this his succession to Ingland, but also of his dukedom of Normandie, that he had enjoyed peaceably before, al the tyme of his brother Rufus, and moreouer he toke him prisoner & so caryed him into Ingland, and ther kept him vntil his death, which happened in the castle of Cardif in the yeare 1134.

VVilliam
sonne of
Duke Ro-
bert.

And vwhereas this Duke Robert had a goodly prince to this sonne named VVilliam, who vvas duke of Normandy by his father, & earle of Flanders in the right of his grand mother, that was the Cōqueiors wife, & daughter of Baldwin Earle of Flanders as hath bin said, and vvas establisched in both these states by the help of Lewys the 6. surnamed le gros king of France, and admittied to do homage to hym for the

the saide states,his vncle king Henry of Englād
was so violent against him,as first he draue him
out of the state of Normandy, and secondly he
set vp and maynteyned a competitor or two
against him in Flanders, by whome finally he
was slaine in the yeare of Christ 1128. before
the towne of Aloſt, by an arrow, after he had
gotten the vpper hand in the feild, and so ended
the race of the first sonne of king William the
Conqueror, to wit of duke Robert, vwhich
Robert liued after the death of his saide sonne
and heyre duke VVilliam , six yeaſes in prison
in the castel of Cardife and pyned avvay vwith
ſorrow and miserie, as both the Frenche and
Inglishe histories do agree.

The ſecond ſonne of the Conqueror named
Richard, dyed as before hath bin ſayde,in his fa-
thers tyme, and left no iſſue at al,as did neither
the third ſone, Willia Rufus, though he reigned
13. yeaſes after his father the Conqueror , in
which tyme he eſtabliſhed the ſuccesſiō of the
crownē by conſent of the ſtates of Ingland to
his elder brother duke Roberts iſſue , as hath
bin ſaide,though afterward it was not obſerued.

This Kinge Rufus came to the crownē prin-
cipally by the help and fauour of Lanfrancus
Archbiſhop of Canterbury, who greatly repē-
ted himſelfe afterward of the error vwhich in
that point he had committed,vppō hope of his
good gouernment which proued extreeme euel.

But this king William Rufus being ſlayne
afterward by the error of a croſbow , in new-

Belfor. I. 3

cap. 42.

An. 1128.

King
VVilliam
Rufus

forest as is vvel knowne, and this at such tyme
as the foresaid duke Robert his elder brother
(to vvhom the crowne by succession appartey-
ned) was absent in the vvar of the holy land,
vwher (according as most authors do vvirit) he
Tarea.
gnottal. 2
del hist.
del mon.
do.
X. Henry.
vwas chosen king of Hierusalem, but refused
it vpon hope of the kingdome of Ingland.
But he returning home, fōude that his fowerth
brother Henry, partly by fayre promises, and
partly by force had inuaded the crowne, in the
yeare 1100. and so he reynged 35.yeares, and
had issue diuers sonnes and daughters, but al
vvere either drowned in the seas comming out
of Normandie, or els dyed otherwise before
Polydor.
in vita
Henrici 1.
their father, except only Mathildis vwho vvas
first martyred to Henry the Emperer, fist of
that name, and after his death without issue, to
Geffrey Plātagenet duke of Anjow, Tourayne,
and Mayne in France, by whom she had Henry
which reigned after king Stephen, by the name
of Henry the second, and thus much of the
sonnes of William the Conqueror.

The
house of
Britany
by the
elder
daughter
of the
Conque-
ror
Belfor. 1.
pag. 423.
Of his two daughters that lyued to be ma-
ryed and had issue, the elder named Constance
vvas maryed to Alayn fergāt duke of Britanie,
vwho vvas sonne to Hoel earle of Nantes, and
vvas made duke of Britanie by VVilliam Cō-
querors meanes, in manner following.

Duke Robert of Normandy father to the
Conqueror, vwhen he went in pilgrimage vnto
the holy land (in which voyage he dyed) left
for gouernour of Normandy, vnder the pro-
tection

ection of king Henry the first of france, duke Alayne the first of Britanie, vvhich Allayn had issue Conan the first, vvhich being a stirringe prince of about 24. yeares old when duke VVilliam began to treat of passing ouer into Ingland, he shewed himselfe not to fauour much that enterprise, which duke VVilliam fearing, caused him to be poysoned vwith a payre of perfumed gloues, as the French stories do report, and caused to be set vp in his place and made duke, one Hoel earle of Nantes, who to gratifie VVilliam sent his sonne Alaine surnamed Fergant with 5000. souldiars to passe ouer into Ingland vwith him, and so he did; & VVilliam afterward in recompēce heer-of gaue him his eldest daughter Constantia in mariage vwith the earldome of Richmond, by vvhom he had issue Conan the second, surnamed le gros who had issue a sonne and a daughter.

The sonne vvas called Hoel, as his grand father was, and the daughters name was Bertha mar-ryed to Eudo Earle of Po:het in Normandy, & for that this duke Conan, liked better his daughter and his sonne in law her husband then he did Hoel his owne sonne, he disauo-<sup>Bk. I. 3
cap. 12.
An 1065.
ex chro-
nic dio-
nis.</sup>wed him in his death bedde, and made his said daughter his heyre: who had by the said Eudo, a sonne named Conan surnamed the yonger, which vvas the third duke of that name, and this man had one only daughter and heyre named Lady Constance who whas mar-ryed to the third sonne of king Henry the second

Conan
Duke of
Britanie
poysened
by VVil-
liam Con-
queror.

second named Geffrey & elder brother to king Ihon that after came to rayne & by this Lord Geffrey she had issue Arthur the second duke of Britanie, whom king Iohn his vncle put back from the crowne of Ingland, and caused to be put to death, as after shalbe shewed, and he dying without issue, his mother Constance duchesse & heyre of Britanie, marryed agayne vwith a prince of her owne house, vvhom after vve shall name in the prosecution of this lyne, and by him she had issue that hath indured vntil this day, the last vherof hitherto is the lady Isabella infanta of Spaine, & that other of Sauoy her sister, whom by this meanes we see to haue discended from king VVilliam the Cōqueror, by his eldest daughter lady Cōstance as also by diuers other participations of the blood royal of Ingland, as aftervwards vvil appeare.

The
daugh-
ters of
Spaine are
of the
blood
royal of
Ingland.

The hou-
ses of
Blois.

Now then to come to the second daughter of king VVilliam the Conqueror, or rather the third (for that the first of al vvas a Nonne as before hath byn noted) her name vvas Adela or Alis as hath bin saide, and she vvas marryed in France to Stephen counte Palatin of Champagne Charters and Blois, by whom she had a sonne called also Stephen, vwho by his grand mother was earle also of Bollayne in Picardie, and after the death of his vncle king Henry of Ingland, vvas by the fauour of the Inglishe nobility, and especially by the helpe of his owne brother the Lord Henry of Blois, that vvas Bishop

Bishop of Winchester and iointly Abbot of Glastenbury, made kinge of England ; and this both in respect that Mathilda daughter of king Henry the first was a woman , and her sonne Henry duke of Anjou, a very childe, & one degree farther of from the Conqueror and from kings Rufus then Stephen vvas, as also for that this king Henry the first (as hath bin signified before) vvas iudged by many to haue entred vvrongfully vnto the crowne, and therby to haue made both himselfe and his posterity incapable of succession by the violence vwhich he vsed against both his elder brother Robart, and his nephew duke VVilliam , that vwas sonne and heyre to Robert vwho by nature and law were bothe of them held for soueraintes to Iohn, by those that fauored them and their pretentions.

But yet howsoeuer this were, we see that the duke of Britany , that liued at that day, should evidently haue succeeded before Stephen , for that he was discended of the elder daughter, of the Conqueror , and Stephen of the yonger, though Stephen by the commodity he had of the neernes of his porte and hauen of Bullayne vnto Ingland, as the French stories do saye (for Calys vvas of no importance at that tym[e]) and by the frendship and familiarity he had gotten in Ingland during the raigne of his two uncles king Rufus and king Henry, and especially by the help of his brother the Bis hop and Abbot as hath bin said , he gat the start of al the rest, and

VVhy
Stephen
vwas ad-
mitted
king of

Girard. I. 6
Belfor. I. 3

and the states of Ingland admitted him.

The issue
of king
Stephen.

This man although he had two sonnes namely Eustachius duke of Normandy, and William earle of Norfolk, yet left they no issue: And his daughter Marie was maried to matthew of Fladres of whom if any issue remaines, it fell afterward vpon the house of Austria, that succeeded in those states.

X. Henry
the 2.
Belfor. I, 3
cap. 50.
An. 1151.
Gerard. I.
8. pag. 549

To king Stephen who left no issue succeeded by compositiō after much warre Henry duke of Aniou, sonne and heyre to Mathilda before named, daughter of Henry the first, which Henry named afterward the second, tooke to wife Elenor daughter and heyre of VVilliam duke of Aquitaine, & earle of Poytiers, which Elenor had bin marryed before to the king of France Lewis the 7. and bare him two daughters, but vpon dislike conceaued by the one against the other, they were deuorced, vnder pretēce of being within the fowerth degree of consanguinitye, and so by second marriage Elenor vvas vwife to this said Henry who afterward was king of Ingland by name of K. Henry the secōd, that procured the deathe of Thomas Becket archebisshop of Canterbury, and vwas both before and after the greatest enimye, that enuer Lewis the king of France had in the vworld, and much the greater for his marriage, by vvhich Henry vvas made far stronger, for by this woman he came to be duke of al Aquitaine, that is of Gascony and Guyene, and earle of al the coutrey of Poytiers, wheras before also by

by his fathers inheritance, he vvas duke both of Anjou, Tourayne, and Mayne, & by his mother Mathilda king Henries daughter of Ingland he came to be king of Ingland, & duke of Normandie, and by his owne industry, he gat also to be lord of Ireland, as also to bring Scotland vnder his homage, so as he enlarged the kingdome of Ingland most of any other king before or after him.

This king Henry the second as Stow recon-
teth, had by Lady Elenor fyue sonnes and three
daughters. His eldest sonne vvas named VVil-
liam that dyed yonge, his seconde vvas Henry
vvhom he caused to be crowned in his owne
life tyme, vvhetherby he receaued much trouble,
but in the end this sonne died before his father
without issue. His thiid sonne vvas Richard
surnamed for his valour *Cor de leon*, who reigned King Ri-
after his father, by the name of Richard the chard.
first, and died vwithout issue in the yeare of
Christ 1199.

Hys fovverth sonne named Geffrey, maried Duke
lady Constance daughter and heyre of Britanie,
as before hath bin said, and dying left a sonne
by her named Arthur, which vvas duke of
Britanie after him, and pretended also to be
king of Ingland, but vvas put by it by his vncle
John, that tooke him also prisoner, and kept
him so in the castel first of fallaise in Norman-
die, and then in Roan, vntil he caused him to
be put to death, or slew him vwith his owne
hands as Fréch stories vyrte, in the yeare 1204.

K. Henry
the 2. his
issue
Stow in
vita Hen-
ci.

This

Paradyn
apud Bel-
forest.

Belfor.1.3
cap.71.
An.1203.

Belfor.1.4
cap.4.

X. John
and his
issue.

Miseries
that fell
vppō king
John.

This duke Arthur left behind him two sisters as Stow writeth in his chronicles, but others write that it was but one, and at least wise, I fynde but one named by the french stories, which vvas Elenor, whom they saye king John also caused to be murthered in Ingland a little before her brother the duke vvas put to death in Normandie, and this was the end of the issue of Geffrey, whose vwife Constance duchesse of Britanie marryed againe after this murther of her childdren, vnto one Guy Vicond of Touars, and had by him two daughters, wherof the eldest named Alis was duchesse of Britanie, by vvhom the race hath bin continued vnto our tyme.

The fift sonne of king Henry the second was named John, who after the death of his brother Richard by help of his mother Elenor, and of Hubert Archbisshop of Canterbury, drawen therunto by his laid mother, gat to be king, and put back his nephew Arthur, vvhom king Richard before his departure to the war of the holy land had caused to be declared heire apparent, but John preuayled and made away both nephew and Neece, as before hath bin saide, for which fact he vvas detested of many in the world abroade, and in France by aste of parliament depriued of al the states he had in those partes. Soone after also the pope gaue sentence of depriuation against him, and his owne barons tooke armes to execute the sentence, and finally they deposid both him and his yong

his yong sonne Henry being then but a child of 8. yeares old, and this in the 18. yeare of his reigne, and in the yeare of Christ 1215. and Lewis the 8. of that name prince at that tyme but afterward king of France, was chosen king of England, & sworne in Londō and placed in the Tower, though soone after by the suddaine death of king Iohn that course vvas altered agayne, & Henry his sonne admitted for king.

And thus much of the sonnes of king Hēry the second, but of his daughters by the same lady Elenor heire of Gascony, Belforest in his story of France hath these wordes following, King Henry had foure daughters by Elenor of Aquitaine, the eldest vherof vvas marryed to Alonso the 9. of that name king of Castile, of vwhich martyage issued Queene Blanch mother to S. Lewis king of France. The second of these two daughters vvas espoused to Alexis Emperor of Constantinople. The third vvas marryed to the duke of Saxony, and the fourth vvas giuen to the earle of Tholosa, thus being the french stories of these daughters.

Of the marriage of the eldest daughter of these foure (whose name was Elenor also as her mothers vvas) vwith king Alonso the 9. of Castile ther proceeded many children, but only one sonne that liued, whose name vvas Henry, vwho vvas king of Castile after his father, by the name of Henry the first, and dyed quickly vwithout issue, and besides this Henry, two daughters also vvere borne of the same ma-

riage, of which the eldest and heire named
 Blanch, vvas married by intercession of her
 vncle king John of Ingland, vwith the foresaid
 Prince Lewis of France, with this expresse cō-
 Polidor. L dition, as both Polidor in his Inglysh story &
 25. in vit Johan. Stephen Garib li.
 22. cap. 31. Garibay the chronicler of Spayne do affirme,
 that she shoulde haue for her dowry al the sta-
 tes that king John had lost in France, vwhich
 were almost al that he had there, and this to the
 end, he might not seeme to haue lost them by
 force, but to haue giuen them with the ma-
 riage of his Neece, and so this mariage vvas
 made, and her husband Lewis was afterward
 chosen also king of Ingland by the Barons, and
 sworne in London, as before hath bin saide, &
 hereby also the Infanta of Spaine before men-
 tioned, that is discended lineally from both
 these princes, I meane as wel from Queene
 Blanch as from Lewys, is proued to haue her
 pretence fortified to the interest of Ingland, as
 afterward shalbe declared more at large in
 dew place.

Queene
 Beren-
 guela.

The second daughter of king Alonso the 9.
 by Queen Elenor, vvas named Berenguela, and
 vvas married to the prince of Leon in Spayne,
 and had by him a sonne named Fernando, vwho
 afterward vwhen king Henry her brother vvas
 dead, vvas admitted by the Castilians for their
 king, by the name of Fernando the fourth, as
 before the Ciuilian hath noted, and Blanch
 vwith her sonne S. Lewis though he vvere the
 elder, vvas put by the crowne against al right
 of suc-

of succession, as Garibay the Spaniard Chro- Gatibay
nicler noteth and confesseth. li. 12. c. 52

Heerby then some do gather, that as the first pretences
 interest which the crowne of Ingland had to of the
 the states of Gascony Guyne and Poyters, came Infanta of
 by a vwoman: so also did it come to France by spayne to
 the right of this foresaid Blanch, wheroft the English &
 fauourers of the Infanta of Spaine do saye, that French
 she being now first and next in blood of
 that houle, ought to inherite al these and such
 like states, as are inheritable by vwomen, or
 came by womē, as the former states of Gascony
 and Guyne did to king Henry the second, by
 Queen Elenor his wife, and Normandie by
 Mathilda his mother, and both of them to
 France by this former interest of Blanch, and
 more they saye, that his lady Blanch mother to
 King S. Lewis, vvhose heyre at this daye the
 infanta of spayne is, should by right haue in-
 herited the kingdome of Ingland also, after
 the murther of Duke Arthur and his sister
 Elenor, for that she was the next of kynne vnto
 them, at that tyme, vvhich could be capable to
 succede them, for that king Iohn himselfe vvas
 vncapable of their succession whom he had
 murthered, and his sonne Henry vvas not then
 borne, nor in diuers yeares after, and if he had
 bin, yet could he receave no interest therunto
 by his father, vvhho had none himselfe: of al
 vvhich points ther vvilbe more particuler oc-
 casion to speak hereafter.

Now then I come to speak of king Henry

K. Henry
the 3. and
his issue.

the third vvhō was sonne to this king John, and from whom al the three houses before mentioned of Britanie Lancaster and Yorke, do seeme to issue, as a triple branch out of one tree, albeit the royal line of Britanie is more ancient, and vvas deuided before euēn from William Conquerors tyme, as hath bin shewed, yet do they knytt againe in this king Henry, for that of king Henry the third his eldest sonne, named prince Edward the first, discended Edward the second, and of him Edward the third, from whom properly riseth the house of Yorke. And of his secōd sonne Edmond surnamed crooke-backs county Palatine of Lancaster, issued the dukes of Lancaster vntil in the third dissent, vvhēn the Lady Blanch heyre of that house matched vwith Iohn of Gaunt, third sonne of king Edward the third, from which mariage rose afterward the formal diuision of these two houses of Lancaster and Yorke, & also two distinct branches of Lancaster.

Lad. Beatrix
daughter
of king
Henry 3.

Besides these two sonnes, king Henry the third had a daughter named lady Beatrix, whom he married to Iohn the seconde of that name duke of Britanie, vvhō after vwas slayne at Lions in France, by the fal of an old wall, in the coronation of pope Clement the 5. of that name, in the yeare of Christ 1298. and for that the frēdes of the Infanta of Spayne, do seekē to strengthen her title by this her dissent also of the royal blood of Ingland, from Henry the third as afterward shalbe declared, I wil breifly

in this

in this place continew the pedegree of the house of Britanie from that I left before, euen to our dayes.

I shewed before in this chapter, that Gefrey the third sonne to king Henry the second, and duke of Britanie by his wife, being dead, & his two children Arthur and Elenor put to death by their vncle king John in Ingland, as before hath bin said, it fel out that Constance duchesse and heyre of Britanie marryed agayne to Guy viscond of Touars, and had by him two daughters, wherof the eldest named Alis was duchesse of Britanie, and marryed to Peter Brien earle of Drusse, and by him had John the first of that name, duke of Britanie, vvhich John the first had issue John the second, vwho marryed lady Beatrix before mentioned, daughter to king Henry the third, and by her had the second Arthur duke of Britanie to vwhom succeeded his eldest sonne by his first wife, named John the third, who dying without issue, left the very same trouble and garboyle in Britanie about the succession betweene the two noble houses of Bloys and Monford, the one maynteyned by France, and the other by Ingland, as soone after vpon the very like occasion happened in Ingland, betwene the houses of Lancaster & York as after shalbe shewed. And not long after that againe the like affliction also ensewed in France, (though not for succession but vpon other occasions) betwene the great and royal houses of Burgundy and Orleans,

The pedigree of the dukes of Britanie.
contention betwene the houses of Monford and Bloys in Britanie. Burgundy and Orleans.

28 *A Conference touching succession,*
vvhery al three common wealthes (I meane
Ingland Britanie and France) vvere like to haue
come to distruption and vitter desolation.

The con-
trouer-
sie be-
tweene
the house
of mon-
ford and
Bloys. And for that it may serue much to our pur-
pose hereafter, to vnderstand vvel this controuer-
sie of Britanie, I thinke it not amisse in few
wordes to declare the same in this place, thus
then it happened.

The foresaid Arthur the secōd of that name,
duke of Britanie, and sonne of Lady Beatrix
that was daughter (as hath bin said) to king
Henry the third of Ingland, had two vviues,
the first named Beattrix as his mother vvas, and
by this he had two sonnes, Iohn that succeeded
him in the state, by the name of duke Iohn
the third, and Guye that dying before his elder
brother left a daughter and heyre, named Ioan,
and surnamed the lame, for that she halted, who
vvas marryed to the earle of Bloys, that vvas
nephew to Phillip of Valois, king of France,
for that he vvas borne of his sister.

But besides these two children, the said duke
Arthur had by his second wife, named Ioland
countesse and heyre of the earldome of Mon-
ford, an other sonne called Iohn Breno, vwho in
the right of his mother vwas earle of Monford.
And afterward - vwhen duke Iohn the third
came to die vwithout issue, the question vvas,
who shold succeede him in his dukedom, the
uncle or the neece, that is to saye, his third bro-
ther Iohn Breno by half bloode or els his Neece
Ioan the lame, that vvas daughter and heyre to
his

his second brother Guye of whole bloode, ^{A Que-}
 that is by father and mother, which lady Ioan ^{stio about}
 was marryed to the earle of Bloys as hath byn ^{successio}
 said. And first this matter vvas handled in the ^{betwen}
 parliament of Paris, the king himselfe sitting in ^{the uncle}
 judgment vwith al his peeres, the 30. day of
 Septemb. 1341. and adiuged it to the earle of
 Bloys, both for that his wife vvas heyre to the
 elder brother, as also for that duke John by his
 testament and consent of the states, had appoin-
 ted her to be his heyre, but yet king Edward
 the third and states of Ingland did iudge it
 otherwise, and preferred John Monford, not
 knowing that the very like case vvas to fal out
 very soone after in Ingland, I meane, they iud-
 ged the state to John Breno earle of monford
 yonger brother to Guye, & they did assist him,
 and his sonne after him, vwith al their forces
 for the gayning and holding of that state.

And albeit at the beginning, it seemed that
 matters went against Monford, for that him-
 selfe vvas taken prisoner in Nantes, and carried
 captiue to Paris vwhere he dyed in prison, yet
 his sonne John by the assistance of the Inglis^{The house of}
 armies gat the dukedom afterward, and slew ^{Blois ouer}
 come. the earle of Bloys, and vvas peaceably duke of
 Britanie by the name of John the fourth, and
 his posterity hath indured vntil this day, as
 briefly heere I wil declare:

This duke John the fourth of the house of ^{The suc-}
 Monford had issue John the fift, & he, Francis ^{cession of}
 the fift, vwho dying without issue, left the ^{the Mon-}
 fords in Britanie.

dukedome to Peter his brother, and Peter having no children neither, he left it to his uncle Arthur the third, brother to his father John the fist, and this Arthur vvas earle of Richmond in Ingland, as some of his ancestors had bin before him, by gyttes of the kings of Ingland.

Francis
last Duke
of Bri-
tany.

This Arthur dying without issue left the dukdome vnto his nephew, to vvit his brothers sonne Francis the second, who vvas the last male child of that race, and was he that had once determinyd, to haue deliuered Henry earle of Richmond, vnto his enimye king Edward the fourth, and after him to king Richard the 3. but that Henries good fortune reserued him to come to be king of Ingland.

Hovv the
dukdome
of Brita-
nie vvas
vnited
to france.

This duke Francis had a daughter and heyre named Anna, marryed fist to Charles the eight king of France, and after his death without issue to his successor Lewis the 12. by whome she had a daughter named Claudia that was heyre to Britanie, though not to the crowne of France, by reason of the law Salique, that holdeth against vwomen in the kingdome of Fráce but not in Britanie, and to the end this dukdome shold not be disvited agayne from the said crowne of France, this daughter Claudia vvas marryed to Francis duke of Angoleme heyre apparent to the crowne of France, by vvhom she had issue Henry, that was afterward king of France, and vvas father to the last king of that country, and to Ysabel mother of the

Infanta

Infanta of Spayne, and of her sister the duchesse of Sauoye that now is, by which also some do affirme that the said princesse or Infanta of Spayne, albeit she be barred from the successio of France, by their pretended law Salique: yet is her title manifest to the dukdome of Britanie, that came by a woman as we haue shewed, and thus much of the house of Britanie and of the princesse of Spaine, how she is of the blood royal of Ingland, from the tyme of VVilliam Conqueror himselfe by his eldest daughter, as also by other kings after him: and now we shall returne to prosecute the issue of these two sonnes of king Henry the third, to wit of Edward and Edmond, which before we left.

I shewed yon before how king Henry the third had two sonnes, Edward the prince, that ^{male of} vvas king after his father, by the name of ^{king Henry} the 3. Edward the first, and Edmond surnamed crok-back by some writers, who vvhasthe first earle and county Palatine of Lancaster, and beginner of that house.

And albeit some writers of our tyme, have affirmed or at least wise much inclined to fa-
vour a certayne old report, that Edmōd should be the elder brother to Edward, and put back only for his deformity of his body, (wherof Polidor doth speak in the begining of the reigne of king Henry the fourth, and as vvel the Bishop of Rosse as also George Lilly do seeme to beleue it) yet euident it semeth that is was but a fable, as before I haue noted and

now againe I shall briefly proue it by these reasons following, for that it importeth very muche for deciding the controuersie between the howses of Lancaster and yorke.

That
Edwvard
was the
elder.
Matheus
west in
vit Hen-
rici 3. &c
hollings.
Ibidem
pag. 654.

The first reason then is, for that al ancient historiographers of Ingland and among them Matheus Westmonasteriensis that liued at the same tyme do affirme the contrary, and do make Edward to be elder then Edmond by six yeares and two dayes, for that they appointe the birth of Prince Edward to haue bin vpon the 16. day of Iune in the yeare of Christ 1239, & the 24. of the reigne of his father king Henry, and the birth of Lord Edmond to haue followed vpon the 18. day of the same moneth 6.yeares after, to wit in the yeare of our lord 1245. and they do name the godfathers and godmothers of them both together, with the peculier solemnities and feastes, that were celebrated at ther seueral natiuities, so as it seemeth ther can be no ertor in this matter.

2. The 2. reason is, for that we read that this Lord Edmond was a goodly vwise and discreet prince, notwithstanding that some authors cal him crokback, and that he vvas highly in the fauour both of his father king Henry, as also of his brother king Edward, and employed by them in many great warres, and other affayres of state, both in France & other where, vwhich argueth that ther was no such great defect in him as should moue his father and the realme to deprive him of his succession.

Thirdly vve reade that king Henry procured
by diuers waies and meanes the aduancement
of this L. Edmond, as giuing him the earldomes
of Leicester & Darby besides that of Lancaster, Holling
as also procuring by al meanes possible & with
exceeding great charges to haue him made king
of Naples & Sicilie by pope Innocentius which
had bin no pollicy to haue done, if he had bin
put back from his inheritance in Ingland, for
that it had bin to haue armed him against his
brother the king.

Fourthly we see that at the death of his fa-
ther king Henry the third, this Lord Edmond
vvas principally left in charge with the realme,
his elder brother prince Edward being scarsly
returned frō the warr of Asia, at what tyme, he
had good occasion to chalēg his owne right to
the crowne, if he had had any, seing he wanted
no power theruto, hauing three goodly sonnes
at that tyme aliue, borne of his wife Queene
Blanch dowager of Nauarre, vwho had bin
marryed before to Henry king of Nauarre, and
contic of Champaine, to whom she had borne
only one daughter, that vwas marryed to Phil-
lip le bel king of France.

But vve shal neuer reade that either he, or
any of his children, made any such clayme, bur
that they liued in very good agreement & high
grace vwith king Edward the first, as his chil-
dren did also vwith king Edward the second,
vntil he began to be mis-led in gouernment, and
then the two sonnes of this Lord Edmond
(I meane

head in
vit Hen-
rici 3. pag.
740. &
777.

4.

Edmonds
line ne-
uer pre-
tended to
the
crovyn.

I meane both Thomas and Henry, that successively vvere earles of Lancaster) made vware vppon the said Edward the second, and vvere the principal doers in his deposition, & in setting vp of his sonne Edward the third in his place, at vvhat tyme it is euidēt that they might haue put in also for themselues, if there title had bin such as this report maketh it.

5.
Note this
conse-
quent.

A fift reason is, for that if this had bin so, that Edmond earle of Lancaster, had bin the elder brother, then had the controuersie betweene the two houses of York and Lancaster, bin most cleare and vvithout al doubt at al, for then had the house of Yorke had no pretence of right in the wortlde, and then vvere it euident, that the heyres general of Blanch duchesse of Lancaster vwife of John of Gaunt, to wit, the discendentes of lady Phillip her daughter, that vvas marryed into Portugal, these I say, and none other, were apparent and true heyres to the crowne of Ingland at this day, and al the other of the house of Yorke vsurpers, as wel king Henry the 7. as al his posterity & offspring, for that none of them haue descended of the said Blanch as is manifest.

6. And therfore lastly the matter standeth (no
The elder doubt) as Polidor holdeth in the later ende of
ship of the life of king Henry the third, vvhere hauing
Edmond a fiction. mentioned these two sonnes Edward & Edmōd,
he addeth these wordes. Ther wanted not certayne
Polyd. in men long tyme after this, that affirmed this Edmond to
fine vita Henr. 3. be the elder sonne to king Henry the third, and to
haue

haue bin depryued of his inheritance, for that he was deformed in body, but these thinges were feyned to the end that king Henry the fourth that came by his mo-
thers side of this Eamond, might seeme to haue come to the kingdome by right, wheras in dede he gat it by force.

Thus saith Polidor in this place, but afterward in the begining of the life of the said K. Henry the 4. he sayeth, that some vwould haue had king Henry to haue pretended this title among other reasons, but that the more part accompting it but a meare fable, it vvas omitted.

Now then it being cleere that of these two sonnes of king Henry the third, prince Edward vwas the elder and lawful heyre, it remayneth only that vve set downe, their seueral discents vnto the tymes of king Edward the third, and his children, in whose dayes the dissencion & controversie betweene these royal houses of Yorke and Lancaster, began to break fourth.

And for the issue of Edward that vvas king after his father, by the name of king Edward the first, it is euident that albeit by two seueral vviues he had a dozen children, male and femal, yet only his fourth sonne by his first vwife called also Edward (vwho vvas king after him by the name of king Edward the second) left issue that remayned, which Edward the second being afterward for his euel goverment deposid, left issue Edward the third,
vho

The issue
of king
Edward
the first.

vwho vwas made king by election of the people
in his place , and after a long and prosperous
reigne , left diuers sonnes , vvherto after vve
shal speake , and among them his third sonne
named Iohn of Gaunt , married lady Blanch
daughter and heire of the house of lancaster,
and of the fornamed Lord Edmond Crouch-
back, by vwhich Blanch, Iohn of Gant became
duke of lancaster: so as the lines of these tvvo
bretheren Edward and Edmond did meete and
ioyne againe in the fourth dissent , as novv
shall appeare by declaration of the issue of the
foresaid L. Edmond.

The issue
of Ed-
mond
Crock-
back.

Edmond then the second sonne of K. Henry
the third, being made county palatine of Lan-
caster, as also earle of Lecester and of Darby, by
his father king Henry , as hath bin said : had
issue three sonnes, to vvit, Thomas Henry and
Iohn, among vvhom he deuided his three sta-
tes, making Thomas his eldest sonne , county
palatine of Lancaster, Henry earle of Lecester, &
Iohn earle of Darby. But Thomas the eldest &
Iohn the yongest dying vwithout issue, al three
states fel againe vpon Henry the second sonne,
vvhich Henry had issue one sonne and three
daughters , his sonne vvas named Henry the
second of that name , earle of Lancaster , and
made duke of Lancaster, by king Edward the
third, and he had one only daughter & heire
named Blanch, vwho vvas marryed vnto Iohn
of Gant as before hath bin said. But Duke
Hennies three sisters named Joan Mary and
Elenor,

Elenor, vvere al marryed to diuers principal men of the realme, for that Ioan vvas marryed to Iohn L. Maubery of vvhom are descended the Howards of the house of Norfolk at this day, and Mary vvas marryed to Henry lord Peacy, from vvhom cometh the house of the Earles of Northumberland, and Elenor vvas married to Richard earle of Arundel, vvhence is issiued also by his mothers side the Earle of Arundel that nowv is, so as of this ancient lyne of Lancaster ther vvant not noble houses vwith in the realme at this day, issiued thence before the cōtrouersie fell out betweene yorke & this family, of vvhich controuersie how it rose and how it vvas continued, I shall now begyn to make more particular declaration, taking my begining from the childien of king Edward the third, who vvere the causers of this fatal dissencion.

OF THE SUCCESSION OF INGLISH KINGES FROM KING EDWARD THE THIRD VNTO OVR dayes, with the particular causes of dissencion, be- tweene the families of yorke and Lanca- ster more largely declared.

CAP. III.

KING Edward the third surnamed by the Fyfeson-
nes of K.
English the victorious, though he had many childien, wherof some dyed vwithout issue, vvhich appertaine not to vs to treat of,
yet had

yet had he ffeue sonnes, that leſt iſſue behinde them, to wit Edward the eldest that was prince of Wales ſurnamed the black Prince: Leonel duke of Clarence vvhich vvas the 2. ſonne, John of Gant ſo called for that he vvas borne in that citye, that vvas the third ſonne, and by his wife was duke of Lancaster, and fourthly Edmond ſurnamed of Langley, for that he was alſo borne ther, and vvas duke of Yorke, & laſt of al Thomas the fift ſonne ſurnamed of Woodſtocke, for the ſame reaſon of his birth, and vvas duke of Glouceſter.

All these five dukes, being great princes and ſonnes of one king, leſt iſſue behinde them as ſhalbe declared, and for that the diſcendents of the third and fourth of these ſonnes, to wit, of the dukes of Lancaster and Yorke, came afterward to ſtrive who had beſt title to reigne, therof it came, that the controuerſie had his name of theſe two familes, vvhich for more diſtinctiō ſake, & the better to be knownne, tooke vppon them for their enſignes a roſe of two diſſerent colutes, to wit, the white roſe, and the redd, as al the vworld knoweth, wherof the vvhite ſerved for Yorke, and the redd for Lancaſter.

To begyn then to ſhew the iſſue of al theſe five princes, it is to be noted, that the two elder of them, to wit, prince Edward, and his ſecond brother Leonel Duke of Clarence, dyed both of them before king Edward their father, and leſt each of them an heire, for that Prince Edward

The redd
roſe and
the
white.

Issue of
the black
prince.

Edward left a sonne named Richard, vwho succeeded in the crowne immediatly after his grādfather, by the name of king Richard the secōd, but aftervvard for his euel gouerment vvas deposed, and dyed in prison vvithout issue , and so vvas ended in him the succession of the first sonne of king Edward.

The second sonne Leonel, dying also before his father, left behind him one only daughter ^{The issue of leonel} and heyre, named Phillip , who was marryed ^{the 2. sonne.} to one Edmond mortimer Earle of march, and he had by her a sonne and heyre named Roger mortimer, vwhich Roger had issue two sonnes named Edmond and Roger, which dyed both without children , and one daughter named Ann mortimer, vwhich was marryed vnto Richard Plantaginet earle of Cambrige , second sonne vnto Edmond Langly duke of yorke, vwhich duke Edmond vvas fourth sonne, as hath bin said, vnto king Edward the third, and for that this Richard Plantaginet marryed the ^{The issue of Edmond the} said Anne as hath bin saide, hereby it came to ₄ sonne. passe, that the house of Yorke ioyned two titles in one, to wit, that of Leonel duke of Clarence, vwhich was the secōd sonne of K. Edward the third, & that of Edmond langly duke of yorke which vvas the fourth sonne : and albeit this Richard Plantaginet himself never came to be duke of Yorke , for that he was put to death vwhiles his elder brother lyued, by king Henry the fist for a conspiracy discouered in South hampton against the said king , vwhen he vvas

going ouer into france vwith his army : yet he left a sonne behind him named also Richard, vvhich afterward came to be duke of Yorke, by the death of his vnkle, vwhich vnkle vvas slaine soone after in the battel of Egécourt in France: & this Richard began first of al to prosecute openly his quarrel for the title of the crowne, against the house of Lancaster, as a litle afterward more in particuler shalbe declared, as also shalbe shewed how that this 2. Richard duke of Yorke being slaine also in the same quartel, left a sonne named Edward, earle of march, who after much trouble gat to be king, by the name of king Edward the 4. by the oppression and putting downe of king Henry the 6. of the house of Lancaster, and was the first king of the house of Yorke, vvhose genealogie vve shal lay downe more largly aftervvards in place convenient.

And nowe it followeth in order that vve should speak of Iohn of Gaunt the third sonne, but for that his discent is great , I thal first shew the discent of the fifth and last sonne of king Edward who vvas Thomas of Woodstock duke of Gloucester and earle of Buckingham, that vvas put to death afterward or rather murthered wrongfully , by order of his nephew king Richard the second , and he left only one daughter and heire named Anna vvhose mariage came to be dukes of Buckinghā, & ywere put downe by king Richard

The issue
of Tho-
mas the
5. sonne.

Richard the third , and king Henry the eight, albeit some of the blood and name do remayne yet stil in Ingland .

And thus hauing brought to an end the issue of three sonnes of king Edward, to wit of the first second & fift, & touched also, some what of the fourth, ther resteth to prosecute more fully the issues & discêts of the third & fourth sonnes, to wit of John of Gaunt duke of Lâcster , and of Edmond Langly duke of Yorke, which are the heades of these two noble families, which thing I shal do in this place vwith al brevity and perspecuity possible, begining first vwith the house of Lancaster.

John of Gaunt third sonne of king Edward being duke of Lancaster by his wife , as hath bin said, had three wiues in al , and by euery one of them had issue, though the bishop of Rosse in his great Latin arbor of the genealogies of the kings of Ingland, printed in Parris in the yeare 1580. assigneth but one wife only to this John of Gaunt, and consequently that all his chiliden were borne of her, which is a great and manifest error and causeth great confusion in al the rest which in his booke of the Queene of Scots title he buyldeh hereon , for that it being evident , that only the first wife vvas daughter and heyre of the house of Lancaster, and John of Gant duke therof by her , it followeth that the children only that vvere borne of her, can pretend properly to the inheritance of that house , and not others borne of John of

42 A Conference touching succession,
Gaunt by other wiues as al the vworld vvil
confesse.

The issue marryed Blanch daughter and heire of Henry
by Lady Blanch duke of Lancaster, and had by her one sonne
only and two daughters. The sonne was cal-
led Henry earle first of Darby, and after made
duke of Hereford by king Richard the second,
and after that came to be duke also of Lanca-
ster by the death of his father, and lastely vvas
made king by the deposition of his cosen ger-
maine the said king Richard, and reigned 15.
yeares by the name of king Henry the fourth,
and vvas the first king of the house of Lancaster,
of the right of whose title examination shalbe
made aftetwards.

L. Phillip The first of the two daughters vvhich John
marryed into Por-
tugāl and her issue. of Gaunt had by Blanch, vvas named Phillip,
vvhho was marryed to Iohn the first of that
name king of Portugal, by whom s he had issue
Edward king of Poitugal, and he Alfonsus the
fift, & he Iohn the second & so one after ano-
ther even vnto our dayes.

Lady Eli-
zabeth
second
daugh-
ter. The second daughter of Iohn of Gaunt by
lady Blanch vvas named Elizabeth, vvhho was
marryed to Iohn Holland duke of Excester, &
she had issue by him, an other Iohn, duke of
Excester, and he had issue Henry duke of Exce-
ster, that dyed without issue male, leauing only
one daughter named Anne, vvhho vvas mar-
ryed to Sir Thomas Neuill knight , and
by him

by him had issue Raffe Neuill third earle of Westmerland, whose lineal heyre is at this day Lord Charles Neuill earle oft Westmerland, that liueth banished in Flanders.

And this is al the issue that Iohn of Gaunt had by lady Blanch his first vwife, sauing only ^{The issue} of King Henry the 4. that I had forgotten to prosecute the issue ^{of King Henry} the 4. of Henry his first sonne, surnamed of Bolens-brok, that vvas afterward called king Henry the fourth which king had 4. sonnes and two daughters, his daughters vvere Blanch and Phillip, the first marryed to William duke of Bauaria, and the second to Erick king of Denmarke, and both of them dyed without children.

The four sonnes vvere first Henry that reyngned after him by the name of Henry the fift, and the second vvas Thomas duke of Clarence, the third vvas Iohn duke of Bedford, and the fourth vvas Humfrey duke of Gloucester, al vwhich three dukes dyed vwithout issue or vvere slaine in vvarres of the realme, so as only king Henry the fift their elder brother had issue one sonne named Henry also, that vvas king, and reigned 40. yeares by the name of Henry the sixt who had issue prince Edward & both of them (I meane both father & sonne) were murthered by order or permisiō of Edward duke of Yorke , vwho afterward tooke the crowne vpon him, by the name of king Edward the fourth, as before hath bin said

so as in this king Henry the 6. and his sonne prince Edward, ended all the blood royal male of the house of Lancaster, by Blanch the first wife of John of Gaunt, and the inheritance of the said lady Blanch returned by right of succession as the fauorers of the howse of Portugal affirme though others deny it, vnto the heyres of lady Phillip her eldest daughter, marryed into Portugal, vvhose nephew named Alfonsus the fift kinge of Portugal lived at that day when king Henry the 6. and his heyre were made away, and this much of John of Gaunts first marriage.

The issue
of John
of Gant
by his
2. wifē.

But after the death of the L. Blanch John of Gaunt marryed the Lady Constance, daughter and hevre of Peter the first surnamed the cruel king of Castile, who being driven out of his kingdome by Henry his bastard brother, assited therunto by the french, he fledd to Burdeaux vwith his wife & tvvo daughters, where he founde prince Edward eldest sonne to king Edward the third, by vvhom he was restored, and for pledge of his fidelity and performance of other conditions that the said king Peter had promised to the Prince, he left his two daughters withe hym, which daughters being sent afterwards into Inglād, the eldest of them, named Constance, was marryed to John of Gaunt, and by her title he named himselfe for diuers yeares afterward, king of Castile, and went to gayne the same by armes, when Peter his bastard brother

The con-
troversie
in Spaine
betwhee-
ne King
Peter the
cruel and
his ba-
stard bro-
ther.

brother

brother, but yet some yeares after that againe, their vvas an agrement made betweene the said Iohn of Gaunt, and Iohn the first of that name, king of Castile, sonne and heyre of the foresaid Henry the bastard, vwith condition, that Catherine the only daughter of Iohn of Gaunt by lady Cōstance, should marry vwith Henry the third prince of Castile, sonne, and heyre of the said king Iohn, and nephew to the bastard Henry the 2. and by this meanes vvas ended that controusie betweene Ingland and Castile, and the said L. Catherine had issue by king Henry, Iohn the 2. king of Castile, & he Isabell that marryed with Ferdinando the Catholique king of Aragon, and ioyned by that mariage both those kingdomes together, and by him she had a daughter named Ioan, that marryed Phillip duke of Austria and Burgundy, and by him had Charles the fifth that vvas Emperor, and father to king Phillip that now reigneth in Spaine, vwho (as we see) is descēded tvvo waies from Iohn of Gaunt duke of Lancaster, to vvit by two daughters begotten of two wiues, Blanch and Constance, nether had Iohn cf Gaunt any more chldrē by Constance but only this daughter Catherine, of vvhom vve haue spoken, vwherfore now vve shal speake of his third vwife that vwas Lady Catherine Swinford.

This lady Catherin as Inglish histories do note, vvas borne in Henalt in Flanders, & was daughter to a knight of that country called

Sir Payne de Ruet, and she vvas brought vp
in her youth in the duke of Lancasters houle,
and attended vpon his first wife lady Blanch,
and being fayre of personage, grew in such fa-
vour vwith the duke, as in the tyme of his se-
cond wife Constance, he kept this Catherin
for his concubin, and begat vpon her fower
children, to wit, three sonnes and a daughter,
vvhich daughter (vvhose name vvas Jane) was
marryed to Raph earle of Westmerland cal-
led commonly in those dayes Daw Raby, of
whom descended the Earles of VWestmerland
that insued. His three sonnes were Iohn, Tho-
mas, and Henry, and Iohn vvas first earle and
then duke of Sommerset, Thomas vvas first
marques Dorset, and then duke of Excester,
Henry vvas Bishop of VVinchester and after
Cardinal.

And after Iohn of Gaunt had begotten al
thes 4. children vpon Catherin, he marryed
her to a knight in Ingland named Swinford,
vvhich knight lyued not many yeares after, &
Iohn of Gaunt comming home to Ingland,
from Aquitaine, vwher he had bin for diuers
yeates, and seing this old concubine of his
Catherine, to be now a widow, and himselfe
also without a wife (for that the lady Constance
vvas dead a litle before) for the loue that he
bore to the children which he had begotten
of her he determinyd to marry her, and ther-
by the rather to legitimate her childre, though
himselfe vvere old now and al his kyndred
utterly

utterly against the marriage, and so not ful
two yeares before his death, to wit, in the yeare
of Christ 1396. he married her, and the next The duke
yeare after in a parliament begun at Westmin- of Lan-
ster, the 22. of January anno Domini 1397. casters ba-
stards
he caused al his said issue to be legitimated made le-
gitimate Hollingb.
which he had begotten vpon this lady Swin- in vita
ford before she vvas his wife. Rich. 2.

But now to go foreward to declare the issue pag. 1090.
of thes three sonnes of Iohn of Gaunt by Ca-
therine Swinford, two of them, that is, Tho- The issue
mas duke of Excester, and Henry Cardinal and of Cath-
Bishop of Winchester, dyed vwithout issue, rine Svvin-
John the eldest sonne that vvas earle of Somerset had issue two sonnes, Iohn and Ed-
mond, Iohn that vvas duke of Somerset had issue one only daughter, named Margeret
vwho vvas married to Edmond Tidder earle K. Henry.
of Richmond, by whom he had a sonne named Henry, earle also of Richmond, vwho after
vvas afterward made king, by the name of Henry the seveth, & was father to K. Henry the
eight, and grand father to the Q. maiestie that
now is, & this is the issue of Iohn the first sonne
to the duke of Somerset.

Edmōd the secōd sonne to Iohn earle of So- The da-
merset, was first earle of Mortaine, and then kes of See-
after the death of his brother Iohn (vwho merset.
dyed vwithout issue male as hath bin said)
vwas created by king Henry the sixte duke
of Somerset, and both he and almost al his

kyn vvere slayne in the quarrel of the said king Henry the 6. and for defence of the house of Lacaster, against York. For first this Edmōd himselfe was slayne in the battel of S. Albanes, against Richard duke and first pretender of Yorke, in the yeare 1456. leauing behind him three goodly sonnes, to wit, Henry Edmond & Iohn, vvhерof Henry succeded his father in the duchy of Sommerset, and vvas taken and beheaded in the same quarrel at Exham, in the yeare 1463. dying vwithout issue. Edmond likewise succeded his brother Henry in the duchy of Sommerset, and vvas taken in the battel of Tewkesbury in the same quarrel, and ther beheaded the 7. of May 1471. leauing no issue, Iohn also the third brother marques of Dorset vvas slayne in the same battel of Tewkesbury, and left no issue, and so in these two noble men ceased vtterly al the issue male of the line of Lancaster, by the children of Iohn of Gaunt, begotten vppon lady Swinford his third vwife, so that al vwhich remayned of this vwoman, vvas only Margeret Countesse of Richmond, mother to king Héry the 7. which king Henry the 7. and al that do descende from him in Ingland, or out of Inglande, do hold
What
heires
Lancaster
now
to
maine in
 the right of Lancaster, only by this third mariage of Catherine Swinford, as hath bin the wed, and no wayes of Blanch the first vwife, or of Constance the second, and this is enough in this place of the discents of Iohn of Gaunt, and of the house of Lancaster, and therfore I shal now

Polidor.
Hist. Ang.
lib 23.

Hollings
in vita
Edvadi
4 pa. 1314
& 1340.

now passe ouer to shew the issue of the howse
of York.

I Touched breefly before , how Edmond ^{The issue} Langley duke of Yorke fourth sonne of king ^{of the} Edward the third , had two sonnes, Edward ^{houle of} York. earle of Rutland , and duke of Aumarle, that succeeded his father afterward in the duchy of Yorke, and vvas slayne vwithout chldré vnder king Henry the 5. in the battayle of Egencourt in France , and Richard earle of Cambridge vwhich marryed lady Anne Mortimer, as before hath bin laid , that was heyre of the house of Clarence, to wit of Leonel duke of Clarence, ^{Richard Earle of Cambri-} ^{ge execu-} second sonne to king Edward the third , by ^{ted.} vwhich marriage he ioyned together the two titles, of the second & fourth sonnes of king Edward , and being himselfe conuinced of a conspiracy against king Henry the 5. vvas put to death in Southampton in the yeare of Christ 1415. and third of the reygne of king Héry the 5. and fift day of August.

This Richard had issue by lady Anne Mortimer a sonne named Richard , vwho succeeded his vnkle Edward duke of Yorke in the same duchy, and afterward finding himselfe strong, made clayme to the crowne in the behalfe of ^{Richard} ^{duke of} his mother, and declaring himselfe chiefe of ^{slayne.} York the faction of the white rose , gaue occasion of many cruel battailes against them of the red rose and house of Lancaster, and in one of the battels vwhich vvas giuen in the yeare 1460. at Wakfilde , himselfe was slayne , leauing be- hind

hind him three sonnes , Edward George and Richard, wherof Edward vvas afterward king of Ingland by the name of Edward the fourth, George was duke of Clarence, and put to death in Calis in a butte of secke or malmesie by the commandement of the king his brother, & Richard was Duke of Glocester and afterward king by murthering his owne two nephewes, and was called king Richard the third.

**Edward
duke of
York and
King his
issue.**

Edward the eldest of these three brothers, which afterward was king , had issue two sonnes Edward & Richard , both put to death in the tower of London by ther cruel vncle Richard , he had also fие daughters, the last fowre wherof I do purposly omitt, for that of none of them ther remayneth any issue , but the eldest of al named Elizabeth was marryed to king Henry the 7. of the house of Lancaster, and had by him issue , king Henry the 8. and two daughters, the one marryed vnto Scotlād, vvhерof are discended the king of Scots and Arbella, & the other marryed to Charles Brandon duke of Suffolk , vvhерof are issued the children of the earles of Hartford and Darby, as after more at large shalbe handled, and this is the issue of the first brother of the house of Yorke.

The second brother George duke of Clarence had issue by his wife lady Isabel heyre to the earldomes of Warwick and Salisbury , one sonne named Edward earle of Warwick, vwho vwas put to death afterward in his youith , by King

King Henry the 7. and left no issue, this duke George had also one daughter named Margaret admitted by King Henry the eight (at what tyme he sent her into wales with the princesse Mary) to be countesse of Salisbury, but yet mar-
 tyred very meanely to a knight of vvalles, named Syr Richard Poole, by whom she had foure <sup>The lyne
of the
Pooles.</sup> sonnes, Henry, Arthur Geffrey, and Renald, the lastvvherto vvas Cardinal, and the other two Arthur and Geffrey had issue, for Arthur had two daughters Mary and Margaret, Mary was married to Sir John Stanny, & Margaret to Sir Thomas fitzharbert, Sir Geffrey Poole, had also issue an other Geffrey Poole, and he had issue Arthur and Geffrey which yet liue.

Now then to returne to the first sonne of the countesse of Salisbury named Henry, that vvas Lord Montague, and put to death both he and his mother, by king Henry the 8. this man I say, left two daughters, Catherine and vvenefied, Catherine was married to Sir Francis Hastings earle of Huntington, by vwhich <sup>The lyne
of the ha-</sup> marriage issued Sir Henry Hastings now earle ^{stings.} of Huntington, and Sir Georg Hastings his brother, who hath diuers chldren. And Wene- ^{The Ba-} fred the yonger daughter vvas married to Sir ^{ringtons,} Thomas Barington knight, vvhho also wanteth not issue, and this is of the second brother of the house of Yorke, to wit, of the duke of Clarence.

King Ri-
chard 3.

The third brother Richard duke of Gloucester and afterward king, left no issue, so as this is al that is needful to be spoken of the house of York, in which vve see that the fist and principal competitor is the king of Scots, and after him Arbellia, and the children of the earles of Hartford and Darby are also competitors of the same house, as discended by the daughter of the first brother, Edward duke of Yorke, and king of England, and then the Eatle of Huntington and his generation, as also the Pooleys, Barringtons, and others before named, are or may be titlers of York, as descended of George duke of Clarence, second sonne of Richard duke of Yorke, all vvhich issue yet seeme to remayne only within the compasse of the house of Yorke, for that by the former pedegre of the house of Lancaster it seemeth to the fauorers of this howse that none of these other cōpetitors are properly of the line of Lancaster, for that king Henry the 7. comming only of Iohn of Gaunt by Catherin Swinford his third wife, could haue no part in Lady Blanch that vvas only inheritour of that house, as to these men seemeth euident.

Only then it remaineth for the ending of this chapter, to explane some what more clearly the discent of king Henry the 7. and of his issue, for better vnderstanding vherof you must consider, that king Henry the 7. being of the house of Lancaster, in the manner that you haue heard, and marrying Elizabeth the eldest daughter

daughter of the contrary house of Yorke, did
seeme to ioyne both houes together, & make
an end of that bloody controuersie, though others now wil say no, but how soever that was
(vvhich after shalbe examined) cleere it is, that he had by that mariage one only sonne, that left issue, and two daughters, his sonne vvas king Henry the 8. vwho by three seueral wiues, had three childrien that haue reigned after him, to vvit king Edward the 6. by Queene Iane Seymer, Queene Mary by Queene Catherine of Spaine, and Queene Elizabeth by Queene Anne Bullen, of al which three childrien no issue hath remayned, so as now vve must returne to consider the issue of his daughters.

The eldest daughter of king Henry the 7. named Margaret vvas married by her first mariage, to Iames the fourth king of Scots, vwho had issue Iames the 5. & he againe Lady mary, late Queene of Scots, and dowager of France, put to death not long ago in Ingland, vwho left issue Iames the 6. now king of Scots. And by her second mariage the said Lady Margeret after the death of king Iames the 4. rocke for husband Archebald Duglas, earle of Anguys in Scotland, by whom she had one only daughter, named Margeret which vvas married to Mathew Steward, earle of Lenox, and by him she had two sonnes, to vvit Héry Lord Darly, and Charles Steward, Henry marryed the foresaid Lady Mary Queene of Scotland & vvas murthered in Edinbrongh in the yeare

1566. as the world knoweth , and Charles his brother marryed Elizabeth the daughter of Sir William Candish in Ingland, by whom he had one only daughter yet liuing named Arbella, an other competitor of the crowne of Ingland, by the house of Yorke , and this much of the first daughter of kinge Henry the 7. Mary the secōd daughter of king Henry the 7. & yonger sister to king Henry the 8. vvas married first to Lewis the 12. king of Frāce, by whom she had no issue , and afterward to Charles Brandon duke of Suffolk, by whō she had two daughters, to witt, Frances and Elenor, the lady Francis vvas marryed first to Henry Gray marques of Dorset, & after duke of Suffolk, behedded by Queene mary , and by him she had three daughters, to wit Iane, Catherine, and Mary: the lady Iane eldest of the three, was married to L. Guylford Dudly, sonne to Iohn Dudly late duke of Northumberland , vwith whom (I meane with her husband & father in law) she was beheaded soone after for being proclaymed Queene, vpon the death of king Edward the sixt : the lady Catherine second daughter marryed first the lord Henry Herbert earle of Penbroke , and left by hym again she dyed afterward in the tower , wher she vvas prisoner for hauing had two childrē by Edward Seymer earle of Hertford , vwithout sufficient proofoe that she vvas married vnto him, and the two children are yet liuing, to wit, Henry Seymer, commonly called lord Beacham , and Edward Seymer

Issue of
mary 2.
sister to
K. Henry.

Lady
Francis.

Stovv.
An. 7.
Edward
6.

Seymer his brother. The lady mary the third sister though she was betrothed to Arthur lord Gray of vvilton, and maryed after to Martin keyes gentleman porter, yet hath she left no issue, as far as I vnderstand.

This then is the end, of the issue of Lady Francis, first of the two daughters of Queene Mary of France by Charles Brandon duke of Suffolk, for albeit the said lady Francis, after the beheading of the said Henry Lord Gray duke of Suffolk her first husband, married againe one Adrian Stokes her seruant, & had a sonne by him, yet it liued not, but dyed very soone after.

Now then to speake of the yonger daughter of the said Frenche Queene and duke, named ^{Of Lady Elinor or of} Elinor, she vvas married to Henry Clifford Earle of Comberlād, who had by her a daughter named Margaret that vvas married to Lord Henry Stanley earle of Darby, by whom she hath a plentiful issue, as Ferdinand now earle of Darby William Stanley, Francis Stanley, and others, and this is al that needeth to be spoken of these discents of our Inglysh kings, princes, peeres or competitors to the crowne for this place, and therfore now it resteth only that vve begin to examine what different pretentions are framed by diuers parties, vpon these dis-
sents and genealogies, vwhich is the principal point of this our discourse.

OF THE GREAT AND
GENERALL CONTROVER-
SIE AND CONTENTION BETVVEEN
the two houses royal of Lancaster and Yorke,
and which of them may seeme to haue
had the better right to the crowne
by way of succession.

C A P. IIII.

Varietie
of au-
thores
opinions
about
this con-
troversie. **A**ND first of al before I do descend to treat
in particular of the different pretences of
seueral persons and families , that haue issued
out of these two royal linages of Lancaster and
Yorke, it shal perhaps not be amisse, to discusse
with some attention, what is, or hath, or may
be said, on both sides for the general contro-
uersie that lyeth betweene them, yet vndescided
in many mens opinions , notwithstanding
their hath bin so much sturr about the same, &
not only writing and disputing , but also figh-
ting and murthering for many yeares. And
truly if we looke into divers histories recordes
and authors vvhich haue written of this mat-
ter, vve shal find that euery one of them spea-
keth commonly according to the tyme wherin
they liued, for that al such as wrote in the
tyme of the three Henries, fourth, fift, and sixt,
kings of the house of Lancaster, they make the
title of Lancaster very cleare, and vndoubted,
but such others as wrote since that tyme (whis-
les the house of Yorke hath held the scepter)
they haue spoken in far different manner , as
namely

namely Polydor that wrote in king Henry the 8. his tyme, and others that haue followed him since, do take al right from the house of Lancaster, and giue the same to the house of Yorke, wherfore the best waye I suppose wilbe, not so much to consider vwhat historiographers do say according to their affections, or interests, as vwhat reasons, and profes be alleged of euerie side, for that by this, we shal more easely come to iudge where the right or wrong doth lye.

First therfore, the defendors of the house of Yorke do alleage, that their title is playne and evident, for that as in the former chapter hath bin declared, Richard duke of Yorke first pretender of this house, vwhose father vwas sonne to Edmond Langley duke of Yorke, fourth sonne of king Edward the third and his mother Anne Mortimer that vwas neccce once remoued, and sole heyre to Leonel duke of Clarence, second sonne of the said king Edward, this Richard (I say) duke of York pretended, that for so much as he had tvvo titles ioyned together in himselfe, and vwas lawful heyre as vvel to duke Leonel the second brother, as to duke Edmond the fourth, that he vvas to be preferred in succession of the crowne after the death of king Richard the second, heyre of the first sonne of king Edward, before the issue of Iohh of Gaunt that vwas but third sonne to the said king Edward, and consequently that Hery Bolenbrook Iohn of Gaunts sonne duke of

Polydor
in fine
vit. Henr.
3. & initio
vit. Henr.
4. & in
vit. Rich.
An. 1386.

The alle-
gations of
the house
of yorke.

Lancaster, called afterward king Henry the fourth, entred the crowne by tyrany & violéce, first for deposing, the true and lawful king Richard, and secondly for taking the kingdome vpon himselfe, vwhich kingdome after the death of the foresaid king Richard (which happened in the yeare 1399) belonged to Edmond mortimer Earle of march, then liuing, and after his death to Anne Mortimer his sister, marryed to Richard earle of Cābridge father to this Richard pretendent duke of Yorke, as hath bin said, for that this Edmond and Anne Mortimer were children to Roger Mortimer sonne of Phillip that vvas daughter to duke Leonel, vwhich Leonel vvas elder vncle to king Richard, and before Iohn of Gaunt the younger brother, vwhose sonne tooke the crovvne vpon him.

The sto-
rie of the
contro-
versie be-
tweene
Lancaster
& York.

For the better vnderstanding of which pretence and allegation of the house of Yorke against Lancaster, we must note the story following, to wit, that king Edward the third, seing in his old age, that prince Edward his eldest sonne, whom of al his children he loued most dearly, was deade (though their vwanted not much doubt in some mēs heads as after shalbe shewed vwho ought to succede) yet the old man for the exceeding affection he bare to the dead prince, vwould heare nothing in that behalfe, but appointed Richard the said prince Edwards only sonne and heyre to succed him in the kingdome, and made the same to be confirmed

confirmed by act of parliament, and inforced
al his children then a liue, to syvete to the
same, which were Iohn of Gaunt, duke of Lan-
caster, his third and eldest sonne that then li-
ued, (for Leonel his second sonne duke of
Clarence, vvas dead before) and Edmond Lan-
gley and, Thomas Woodstock earles at that
tyme but after dukes of Yorke & Gloucester, &
so king Richard reigned with good obedience
of his vncles and their children for 20. yeares
together, but in the end when he grew insol-
ent & had put to death his vncle the duke of
Gloucester together vwith the earle of Arundel,
and banished many others of the nobility,
and among them the Archbishop of Can-
terbury, as also his owne cosin germaine
Henry duke of Hereford, & after of Lancaster,
sonne and heire of Iohn of Gaunt, and had
made many wicked statutes aswel against the
church and state Ecclesiastical, as also to in-
rangle the realme and nobility with fayned
crymes of treason against his regaltie, as then
he termed them, the principal men of the
realme seing a fit occasion offred by the
kings absence in Ireland, called home out of
France the foresaid Henry duke of Lancaster,
vwith the Archbishop of Canterbury, earles
of Arundel and Warwick, and others which
vvere in banishment, and by common consent
gathered vpon the suddaine such an army to
assit them in Ingland, as they took the king,

Polydor.
in vita
Richard.

2.lib. 20.

60 A Conference touching succession
brought him to London, and there in a parliament laying together the intollerable faults of his gouernment, they depriued him of al regal dignity, as before they had done to his great grandfather king Edward the second, & then by vniuersal consent of the parliament and people their present, they chose & admitted the said Henry duke of Lancaster to be their king, vvhoso continewed so al the daies of his life, and left the crowne vnto his sonne, and sonnes sonne, after him, by the space of threescore yea-
res, vntill this Richard before named duke of Yorke, made chalenge of the same in manner and forme as before hath bin shewed.

*Cheefe points of the controuersie betwhee ne Lan-
caster and York.* Now then the storie being this, the question is first, whether Richard the second were iustly deposed or no, and secondly whether after his deposition the house of Yorke or house of Lancaster should haue entred, and thirdly if the house of Lancaster did commit any wronge or iniustice at their first entrance to the crowne, yet whether the continuance of so many yeares in possession, vwith so many approbations and confirmations therof by the common vvealth vvere not sufficient to legitimate their right.

Three pointes about king Richards depositiō. Concerning vwhich points many things are alleged by the faourers of both families, and in the first pointe touching the lawfulness or vnlawfulness of king Richards deposition, three articles especially do seeme most considerable, to wit, about the thing in it selfe whether a lawful king may be deposed vpon iust causes, and

& secōdly about these causes in king Richards deposition , to vvit, vwhether they vvere iust or sufficient for deposition of the said king, and lastly, about the manner of doing it , vwhether the same were good and orderly or not.

And touching the first of these three pointes, That a
trevv K.
maye be
deposed. vwhich is, that a king vpon iust causes maye be deposed I thinke both parties though neuer so contrary betweene themselues , vil easely agree, and the Ciuil lawyer seemeth to me to haue proued it so euidently before throughout his vvhole discourse, as I thinke very little may be said against the same. For he hath declared (if you remember) both by reason authority & examples of al nations Christian, that this may and hath and ought to be done , vwhen vrgent occasions are offred. And first by reason he sheweth it, for that al kingly authority is giuen them only by the common wealth, & that with this expresse condition, that they shal gouerne according to law and equity, that this is the cause of their exaltation aboue other men, that this is the end of their gouernment, the butt of their authority , the starr and pole by vwhich they ought to dite& their sterne, to witt, the good of the people, by the vveale of their subiects, by the benefite of the realme, vwhich end being taken away or peruerted , the king becommeth a tyrant, a Tigar, a fearese Lion , a rauening wolfe , a publique enemy , and a bloody murtherer , vwhich vvere against al reason both natural and moral, that a common

wealth could not deliver it selfe from so eminent a distruktion.

s. Autho- By authority also you haue heard it proued, of
rity. al law-makers, Philosophers, Lawyers, Divines
and Gouernours of common vvealthe, who
haue set downe in their statutes and ordonances
that kings shal sweare and protest at their
entrance to gouernment, that they vvil obserue
and performe the conditions their promised, &
otherwise to haue no interest in that dignity, &
souveraintie.

s. Exam- By examples in like manner of al realmes
ples. christian he declared, how that often-tymes
they haue deposed their princes for iust cau-
ses, and that God hath concurred and assis-
ted wonderfully the-same, sending them
commonly very good kings after those that
vvere deprived, and in no country more then in
England it selfe, yea in the very lyne and fa-
milye of this king Richard, vvhose noble
grand-father king Edward the third vvas ex-
alted to the crowne by a most solemne de-
position of his predecessor king Edvard the
second, vwherfore in this point their can be
little controuersie, and therfore vve shal
passe vnto the second, vwhich is, vwhether
the causes vvere good and iust for which this
king Richard vvas esteemed vworthy to be de-
posed.

VVhether
the cau- And in this second pointe much more dif-
fes vvere ference their is betwixt Yorke and Lancaster,
and

and betwene the vwhite rose and the redd, for sufficient
 that the house of Yorke seeking to make the ^{of King}
 other odious, as though they had entred by ^{Rich. de-}
^{position.} tyrannie & cruelty, doth not stick to auouch,
 that king Richard vwas vnjustly deposed, but
 against this the house of Lancaster alleageth
 first, that the howse of Yorke cā not iustly saye
 this, for that the chiese prince assistant to the
 depositing of king Richard, vwas lorde Edmond
 hymselfe duke of Yorke and head of that fami-
 lie, together with Edward earle of Rutland &
 duke of Aumarle, his eldest sonne and heyre,
 yea and his yonger sonne also Richard earle of
 Cambrige, father to this Richard that now
 pretēdereth, for so do write both Stow Hollings-
 head and other chroniclers of Ingland, that
 those princes of the howse of Yorke, did prin-
 cipally assist Hēry duke of Lancaster in getting ^{The}
 the crowne, and depositing king Richard, & PO-^{house of}
 lidor speaking of the wicked gouernement of ^{York}
 king Richard, and of the first cogitation about ^{chiefe}
 depositing him vwhen king Henry of Lancaster ^{doer in}
 vvas yet in France, banished, and seemed not ^{deposing}
^{King Ri-}
 to thinke of any such matter, he hath these
 words. *Sed Edmundo Eboracensium duci, ea res cum* Polyd. lib.
primū bilem commouit, quod rex omnia iam iura 20. histot.
peruerteret, quod antea parricidio, & postea rapinis
se obstrinxisset, &c. That is, this matter of
 the wicked gouernement of king Richard, did "
 principally offend his vncle Edmond duke"
 of Yorke, for that he saw the king novv to "
 V s peruer"

, peruer all law and equity, and that as before he
 , had defiled himselfe vwith parricide , that is,
 , with the murther of his owne Vncle the duke
 , of Gloucester, brother to this Edmond , so now
 , he intangled himselfe also vwith rapine, in that
 , he tooke by violence the goods and inheri-
 tance of Iohn of Gaunt, late deceased, vwhich
 , did belong to Henry duke of Lancaster , his
 , cosen germaine , by which wordes of Polidor
 , as also for that the duke of Lancaster cōming
 Addit ad Britayne accompanied only with three
 score persons, (as some stories say) chose first
 to goe into Yorke-shite and to enter at Ra-
 uenspurt at the mouthe of Humber , as al the
 vworld knoweth (which he would neuer haue
 done if the princes of Yorke had not princi-
 pally fauoured him in that action) al this (I say
 is an euident argumēt that these princes of the
 house of Yorke were then the chiefe doers
 in this deposition , and consequently cannot
 alleage now with reason that the said Richard
 was deposed vniustly.

Testimo-
ny of sto-
ries.

Secondly the house of Lancaster , alleageth
 for the iustifying of this deposition , the op-
 nions of al historiographers , that euer haue
 written of this matter , vwhether they be In-
 glish French Dutch Latine, or of any other na-
 tion or language , vwho al with one accord do
 affirme, that king Richards gouernement was
 intolerable, & he worthy of deposition, wherof
 he that wil se more let him reade Thomas of
 Wal-

Walsingham, and Iohn Frosard in the life of
king Richard.

Thirdly they of Lancaster do alleage, the
particular outrages and insolences of king Ri-
chards gouernēt of king Richard.
chards gouernēt, and first the suffring him-
selfe to be carryed away with euil counsel of
his fauorites and the the peruerting of al lawes
generally vnder his gouernēt, as before you
haue hard out of Polidor, the ioyning vwith
his myniōs for opressing the nobility of which
Stow hath these vwordes. *The king being at Bri-*
stow with Robert de Vere duke of Ireland, & Michael
de la Pole Earle of Suffolke, deuised how to take away
the duke of Gloucester, the earles of Arundel, Warwick,
Darby and Notingham, and others whose deathes they
conspired: thus sayeth Stow. And soone after they
executed the most par of their deuises, for that
Thomas of Woodstock duke of Gloucester, vvas
made away vwithout law or processe, the earle
of Arundel also vvas put to death, and Warwick
vvas banished, and so was also Thomas
Arundel Archbisshop of Canterbury, by like
injustice, and the like was done to Henry duke
of Hereford, and after of Lancaster, and among
other insolences he suffred Robert Vere to
dishonour and put from him his vwife, a noble
and goodly yong Lady (as Stow sayeth) and
borne of Lady Isabel king Richards aunt, that
vvas daughter to king Edward the third, and
suffred Vere to marry an other openly to her
disgrace and dishonour of her kynred. And
finaly in the last parliament that euer he held,
which

*Stow in
vit. Rich.
2. pag. 502
regni 11.*

*A great
insolency.*

which vvas in the 21. yeare of his reigne, commonly called the euel parliament , he would needs haue al authority absolute graunted to certaine faourits of his , which Thomas Walsingham saith, were not aboue 6. or 7. to determine of all matters vwith al ful au-thority , as if they only had bin the vvhole realme , vvhich vvas nothing in deede but to take al authority to him selfe only, and Stow in his chronicle hath these wordes following.

The euel parlament in the yeare 1397. at the beginning wherof, Edward Stafford Bishop of Exeter Lord Chancellor of Richard. Ingland made a proposition or sermon , in which he affirmed that the power of the king, was alone , and perfitt of it selfe , and those that do impeach it were worthy to suffer paine of the law, &c. thus saith Stow, by al vvhich is evident, how exorbitant and contrary to al law and equity this kinges gouernment vvas.

The duke of Lancaster cal-led by common request. Fourthly and lastly , those of Lancaster do alleage for iustifying of this depriuation , that duke Henry vvas called home by expresse letters of the more and better part of al the re-alme, and that he came vvholy (in a manner) vn-arm'd considering his person, for that fro-sard sayeth he had but three shippes only out of Britanie, and Walsingham saith he had but 15. Lances and 400. footmen , and the addi-tions to Polychronicon as before I noted, do auouch, that when he landed at Rauenspurr in the

Fro-sard.
VValsin-gham.

in the county of Yorke, he had but three-score men in al to begin the reformation of his realme against so potent a tyrant, as King Richard was then accompted, and yet vvas the concourse of al people so great and general vnto him, that within few dayes he achiuued the matter, and that without any bataile or bloodshed at al, & thus much for the iustnes of the cause.

But now if we vvil consider the manner and forme of this act, they of Lancaster do affirme also that it could not be executed in better nor more conuenient order. First for that it vvas done by the choise and invitation of al the realme or greater and better parte thereof as hath bin said. Secondly for that is vvas done vwithout slaughter, and thirdly for that the king vvas deposed by act of parliament, and himselfe conuinced of his vnworthy gouernment, and brought to confesse that he vvas vworthely depriued, and that he vwillingly and freely resigned the same: neither can their be any more circumstances required (saye these men) for any layvful deposition of a Prince.

And if any man wil yet obiect and saye that notwithstanding al this their vvas violence, for that duke Henry was armed and by force of armes brought, this to passe, they of Lancaster do answere, that this is true, that he brought the matter to an end

Armes
necessary
for remo-
ving an
evil
prince.

end by forces, for that an euel king cannot be remoued but by force of armes, if vve expect the ordinary way of remedy left by god vnto the common vwealth, for seeing that a tyrannical or obstinate euel prince is an armed enimye vwith his feet set on the realmes head, certaine it is, that he cannot be driuen nor plucked from thēce, nor brought in order, but by force of armes. And if you saye that God may remedy the matter otherwise, and take him away by sicknes, and other such meanes, it is answered, that God wil not alwayes bynde himselfe to woorke miracles, or to vse extraordynary meanes in bringing those things to passe, vwhich he hath left in the hands of men, & of common wealthes to effectuat, by ordinary vway of wisdome and justice. As for example, it vvere an easy thing (say these men) for God almighty also vwhen any wicked man breaketh his law, by theft muither or the like, to punish him imediately by death, or otherwise himselfe, & yet he wil not so doe, but wil haue the realme to punish him, and that by force of armes also if otherwise it cannot be done, and this avvell for example, and terror of others as also to let men vnderstande that God hath left power vppō earth to do iustice in his name vwhen neede requireth.

Examples
of kings
punis-
hed by
external
forces.

And for particular presidents of punishing of euil princes, in like manner by force & violence, when other meanes wil not serue, these men say that besides al the great multitude of examples

examples alleaged before by the Ceuil lawyer, in his fourth chapter, about euil kings depos'd, ther is great variety of seueral manners how the same hath bin done, by Gods owne ordinance, recompted in holy write, as first when the scripture sayeth in the booke of Judges that Aod was stirred vp by God to kill Eglon king of the Moabites that persecuted the people of Israel, and the manner vvas to feigne a secret Embassadge or message vnto him, and so to slay him in his chamber, as he did, & God deliuered his people by that meanes, and chose this particular vway, vheras none wil deny but that he might haue done it by many other meanes lesse odious to the world then this was, that seemed so cruel and ful of treason.

King Eglō
slayne in
his chamber.

Iud. 3.

Agayne they shew that when God had reiecte^d king Saule for his wickednes, and determinyd to depose him, he chose to do it by raysing of Dauid against him, and by defending and assisting Dauid both in armes and otherwise diuers yeares against Saule, and in the end raysed the Philistians also against him, vwho after diuers battailes cut off his head, and carried it vp and downe the country vpon a pole, and presented it in al the temples of their Idoles, and in the end left it piched vp in the temple of Dagon, al which God might haue spared, & haue taken him away quiety without bloodshed, if he vwould, but he chose this second way.

Saul put
dovne
by vio-
lence.

1. Par. 10.
ver. 9.

In like manner when he would punish king Roboam

**Roboam
deposed
by his
subjects
of ieremi-
bia.**

Roboam for the sinnes of Salomon his father, and yet spare him also in parte for the sake of his grand father Dauid, he caused a rebellion to be rayfed against him by Ieroboam his servant, and more then three partes of foure of his people, to rebell against him, and this by Gods owne instinct and motion, and by his expresse allowance therof after it vvas done, as the scripture auoucheth, and if Roboam had fought against them, for this fault (as once he had thought to do and vvas prepared vwith a mayne army) no doubt but they might haue lawfully slayne him, for that now these tenn tribes that for sooke him had iust authority to depose him, for his euel gouernment, and for not yealding to their iust request made vnto him, for easing them of those greuous tributes laid vpon them, as the scripture reporteth. For albeit God had a meaning to punish him, for the sinnes of his father Salomon, yet fuffered he that Roboam also shoulde giue iust occasion himselfe for the people to leaue him, as appeareth by the story, and this is Gods highe vvis-dome iustice, prouidence, and swete disposition in humane affaires.

An other example of punishing and depo-sing euel Princes by force, they do allege out of the first booke of kings, wher God appoin-ted Elizeus the Prophet to send the sonne of an other Prophet to annoynct Iehu, Captaine of Ioram, king of Israel, vvhich Ioram was sonne to the Queene Iezabel, and to persuade Iehu to take

**2. Reg. 11.
& 12.**

**2. Paralip.
cap. 10.**

**Ioram &
his mo-
ther Iesa-
bel depo-
sed by
force.**

to take armes against his said king, and against his mother the Queene, and to deprive them both, not only of their kingdomes but also of their liues, and so he did, for the scripture saith, *Coniurauit ergo Iehu contra Ioram.* Iehu did con-^{4. Reg. 21} iure and conspire at the persuasion of this Prophet, vwith the rest of his fellow Captaines, against his king Ioram, and Queene Iezabel the kinges mother, to put them downe, and to put them to death with al the ignomy he could deuise; and God allowed therof, and perswaded the same by so holy a Prophet as Elizeus vvas, wherby we maye assure our selues that the fact was not only lawfull but also most godly, albeit in it selfe it might seeme abhominalle.

And in the same booke of kings within two chapters after, there is an other example how God moued Ioïada high priest of Ierusalem to persuade the Captaines and Coronels of that citty to conspire against Athalia the Queene that had reigned 6. yeares, and to arme them selues with the armor of the temple, for that purpose, and to besiege the pallace wher she lay, and to kill al them that should offer or goe about to defend her, & so they did, and hauing taken her aliue, she vvas put to death also by sentence of the said high priest, and the fact vvas allowed by God, and highly commended in the scripture, and Ioas yong king of the blood royal was crowned in her place, & al this might haue bin done as you see without such

^{5.}
Athalia
deprived
by force.

^{4. Reg. 11.}

trouble of armes, & bloodshed, if God vwould, but he appointed this several meanes for working of his wil, and for releueing of common wealthes oppressed by euel princes. And this seemeth sufficient proofe to these men, that king Richard of Ingland might be remoued by force of armes, his life and gouernment being so euel and pernicious as before hath bin shewed.

VVhe-
ther Lan-
caster or
Yorke
should
haue en-
tered after
king Ri-
chard.

It remayneth then that vve passe to the second principal pointe proposed in the begining, vwhich was, that supposing this depriuation of king Richard vvas iust and lawful, vwhat house by right should haue succeeded him, either that of lacaster as it did, or the other of Yorke.

And first of al it is to be vnderstood, that at that very tyme vwhen king Richard vvas deposed, the house of Yorke had no pretence or little at al to the crowne, for that Edmond Mortimer earle of march, nephew to the lady Phillip, vwas then aliue, with his sister Anne Mortymer marryed to Richard earle of Cambrige, by vwhich Anne the howse of Yorke did after make their clavme, but could not do so yet, for that the said Edmond her brother was liuing, and so continued many yeares after, as appeareth, for that wee reade that he vvas aliue 16. yeaies after this, to witt, in the third yeare of the raigne of king Henty the fift vwhen his said brother in law, Richard earle of Cambrigs vvas put to death, in Southhampton

hampton vvhom this Edmond appeached as
after shalbe shewed, and that this Edmond
vvas now earle of March when king Richard
vvas deposed, and not his father Roger (as Po-
lidor mistaketh) is evident, by that that the said Polidor I.
Roger vvas slayne in Ireland, a litle before the 20. in vit.
depositio of King Richard, to witt, in the yeare
1398. and not many monethes after he had
bin declared heyre apparent by king Richard,
and Rogers father named Edmond also, hus-
band of the lady Phillip, dyed some three
yeares before him, that is, before Roger, as
after wilbe seene, so as seing that at the de-
position of king Richard, this Edmond Mor-
timer elder brother to Anne was yet living,
the question cannot be whether the house
of Yorke should haue entred to the crowne
presently after the depriuation of kinge Ri-
chard, for they had yet no pretence as hath
bin shewed, but whether this Edmond Mor-
timer, as heyre of Leonel duke of Clarence,
or els Henry the duke of Lancaster heyre of
Iohn of Gaunt should haue entred. For as
for the house of Yorke their was yet no que-
stion, as appereth also by Stow in his chro-
nicle, vwho setteth downe how that after the
said deposition of Richard, the Archbishop of
Canterbury asked the people three tymes,
whom they would haue to be their king, vhe-
ther the duke of Yorke their standing present
or not, and they answered no: and then he
asked the seronde tyme if they vwould haue his

Story in
vita Ri-
chard, 2.

eldest sonne, the duke of Aumale, and they said no, he asked the third tyme, yf they would have his yongest sonne, Richard earle of cambridge, and they said no. Thus writeh Stow, vther by it is evident, that albeit this earle of Cabridge had married now the sister of Edmōd Mortimer, by whom his posterity claymed afterward, yet could he not pretend at this tyme, her brother being yet aliue, who after dying vnit without issue, left al his right to her, & by her to the house of Yorke: for albeit this earle Richard never came to be duke of Yorke, for that he was beheaded by king Henry the fist at Southampton as before hath bin said, vwhile his elder brother was a lyue, yet left he a sonne named Richaid, that after hym came to be duke of Yorke, by the death of his uncle Edmund duke of Yorke that dyed vnit without issue, as on the other side also by his mother Anne Mortimer, he was earle of March, and was the fist of the house of Yorke that made title to the crowne.

VVhether the earle of March or duke of Lancaster should haue succeeded to king Richard.

So that the question now is, whether after the deposition of king Richaid, Edmond Mortimer nephew remoued of Leonel (which Leodel vvas the second sonne to king Edward) or Henry duke of Lancaster, sonne to John of Gaunt (which John vvas third sonne to king Edward) should by right haue succeeded to king Richaid, and for Edmond is alleaged, that he was heire of the elder brother, and for Henry is laid, that he vvas neerer by two degrees to the

the stemme or last king, that is to say, to king Richard deposed, then Edmond was, for that Henry vvas sonne to king Richards vncle of Lancaster, and Edmond was but nephew remoued, that is to say, daughters sonnes sonne, to the said king Richards other vncle of Yorke. And that in such a case, the next in degree of consanguinitie, to the last king, is to be preferred (though he be not of the elder lyne) the fauouris of Lancaster alleage many proofes, wherof some shalbe touched a litle after: & we haue seene the same practized in our dayes in France, where the Cardinal of Burbone by the iudgement of the most part of that realme, was preferred to the crowne for his propinquity in blood to the dead king, before the king of Na- uarre, though he were of the elder lyne.

Moreouer it is alleged for Henry that his title came by a man, and the others by a wwoman, vwhich is not so much faoured either by nature law or reason, and so they saye that the pretenders of this title of lady Philippe that vwas daughte^r of duke Leonel, neuer opened their mouthes in those dayes to clayme, vntil some 50. yeares after the deposition & death of king Richard. Nay more stowⁱⁿ ouer they of Lancaster say, that sixteene ^{VIT. Hen- rici 5 au^g. 3. regni.} yeares after the deposition of king Richard, vwhen king Henry the fift vwas now in possession of the crowne, certayne noble me, & especially Richard earle of Cambridge, that had matryed this Edmond Mortimer^s

The title
of Yorke
is by a
woman.

lister, offred to haue slayne king Henry and to haue made the said Edmōd Mortymer kinge, for that he was discended of duke Leonel, but he refusid the matter, thinking it not to be according to equitie, and so vvent and discouerted the whole treason to the king, wheruppō they vvere al put to death in Southampton, within fowre or fife dayes after, as before hath bin noted, and this hapened in the yeare 1415. and from hence foreward vntil the yeare 1451. and thirteenth of the reigne of king Henry the sixt, vvhich vvas 36 yeares after the execution, done vpon these conspiratoris, no more mention or priēce was made of this matter, at vvhath tyme Richard duke of Yorke began to moue troubles about it againe.

Thus say those of the house of Lancaster, but now these of Yorke haue a great argument for themselves, as to them it seemeth, vvhich is, that in the yeare of Christ 1385. and 9. yeare of the reigne of king Richard the second it vvas declared by act of parliament (as Polidor wri:eth) that Edmond Mortimer, vvhoso had marryed Phillip daughter & heyre of Leonel duke of Clarence, and was grandfather to the last Edmond by me named, shoulde be heyre apparent to the crowne, if the king shoulde vnt Rich. chance to dye without issue.

To which obiection those of Lancaster do awswere, first, that Polidor doth err in the person, when he sayeth that Edmond husband of lady Philippe was declared for heyre apparent, for that

The earle
of Cam-
brige ex-
ecuted
for con-
spiracy.

An obie-
ction for
Yorke
that Ed-
mond
Morty-
mer vvas
declared
heire ap-
parent.
Polydor
2e &
Savv. in
a. an. 1385

for that his Edmond Mortimer that married lady Philippe, dyed peacably in Ireland three yeares before this parliament vvas holden, to witt, in the yeare of Christ 1382. as both Hollingshead Stow and other chroniclers do testifie, and therfore Polidor doth erre not only in this place about this man, but also in that in another place he sayeth, that this Edmond so declared heyre apparent, by king Richard, vwas slayne by the Irish in Ireland 12. yeares after this declaration made of the succession, to vvit in the yeare 1394. vwhich vwas in deede not this man, but his sonne Roger Mortimer, heyre to him, and to the Lady Phillip his wife vwho vwas declared heyre apparent, in the parliament afore said, at the instance of king Richard, and that for especial hatred & malice (as these men say) which he did beare against his said vncle the duke of Lancaster, and his sonne Henry, vwhom he desired to exclude from the succession.

The cause of this hatred, is said to be, for that ^{the} presently vpon the death of prince Edvard ^{cause of} father to this Richard, which prince dyed in ^{hatred be-} the yeare of Christ 1376. and but 10. monethes ^{tweene} before his father king Edward the third: their ^{king Ri-} vwanted not diuers learned and vwise men in ^{chard and} England, that were of opinion that Iohn of ^{the house} Gaunt duke of Lancaster, eldest sonne then li- ^{of Lan-} uing of the said king Edward, shoulde haue ^{caster.} succeeded his father, *iure propinquitatis*, before Richard that vwas but nephew, and one degree

further of then he , but the old king vvas so
 extremly affectionate vnto his eldest sonne,
 the blacke prince Edward, newly dead, that
 he vwould not heare of any to succede him
 (as Frosard saith) but only Richard the said
 John fro-
 iard in
 histo. princes sonne. Wherfore he called presently
 a parliament , vwhich vvas the last that euer
 he held , and therin caused his said nephew
 Richard to be declared heyre apparent , and
 made his three sonnes then liuing, that were
 yncles to the youth, to vvitt John of Gaunt,
 duke of Lancaster, and Edmond Langhly duke
 afterward of Yorke, and Thomas woodstock
 duke of Gloucester , to sweare fealtie vnto Ri-
 chard, as they did. And albeit John of Gaunt
 al his life after, for keping of his oth that he
 had made vnto his father , neuer pretended
 any right to the crowne , yet king Richard
 knowing vvel the pretence that he and his
 might haue, vvas stil afraid of him, and sought
 infinite meanes to be rydd of him , first by
 perswading him to goe and make vvarr in
 Spaine vvhether he thought he might miscarrie in

Polydor.
 Hollings
 Stovv
 vita Ri-
 chardi 2. so dangerous an attempt , and then offering
 to giue him al Aquitaine if he vwould leaue
 Ingland to goe & liue there, as he did for three
 yeares, vwith extreme peril, for that the people
 of Aquitaine vwould not receave him , but
 rose against him , and refused his gover-
 ment , and vwould not admitt him for their
 Lord, but appealed to the king , vwho also
 allowed therof, and so vwhen John of Gaunt
 came

came home into Ingland againe, kinge Richard thought no better way to vveaken him, then to banish his sonne, Henry duke of Herford, and so he did. And besides this, the said king Richard practised also by diuers secret drifts, the death of his said vncle the duke of Lancaster, as Walsingham witnesseth, Thou vvas
sing in
vit Rich-
ardis 2.
pag. 341. and vwhen the said duke came at lenghte to dye, which vvas in the 22. yeare of king Richardes raigne he vvrote such ioyous letters & 344. therof (as frossaid saith) to his father in law the sixt Charles king of France, as though he had bin deliuered of his chiefest enemy, not im- John Frof
tard in
vit. Henr. magining that his owne distruictiō was so neere at hand, and much accelerated by the death of the said duke, as it was.

And these vvere the causes, say the fau-
ters of the house of Lancaster, why king Richard caused this acte of parliament to passe in fauour of Roger Mortimer, & in pre-
judice of the house of Lancaster, and not for VVhy Ro-
ger Mor-
timer
vvas de-
clared
heire ap-
parent. that the right of earle Mortimer, vvas bet-
ter then that of the duke of Lancaster. And this they say is no new thing for princes oftertymes to procure partial lawes to pasle in parliament, for matter of succeession, ac-
cording to their owne affections, for the like (say they) did Edward the third procure in the fauour of this Richard, as before I haue shewved in the last parliament, before his death, and afterward againe king Richard the third vwith much more open iniustice,

So *A Conference touching succession*
caused an act of parliament to passe in his dayes,
vwherby his nephew John de la pole earle of
Lincolne, sonne to his sister Elizabeth duchesse
of Suffolke, vvas declared heyre apparent to
the crowne, excluding therby the children of
his two elder brothers, to vvit the daughters of
king Edward the fourth , and the sonne and
daughter of Georg duke of Clarence , vvhich
yet by al order should haue gone before their
sistres children.

And like facilitie founde king Henry the
8. to get the consent of two parlaments , to
giue him authority to appointe what successor
he would , of his owne kyntred , by which au-
thority afterward he apointed by his testament
(as in an other place shalbe shewed) that the
issue of his yonger sister mary , should be pre-
ferred before the issue of his eldest sister Marga-
ret , of Scotland .

The de-
claratiō
of king
Edward
8. in fa-
vour of
the Lady
Jane
Gray.

A like declaration was that also , of king
Edward the sixt , of late memory , vwho ap-
pointed, the lady Jane Gray his cosen germane
remoued , to be his heyre and successor in the
crownē of Ingland , and excluded his owne
two sisters, the lady Mary and the lady Eliza-
beth from the same: but these declaratiōs make
little to the purpose vwhen right and equity do
repugne, as these men say that it did, in the fore
said declaratiō of Roger Mortimer, to be heyre
apparent , for that they hold and auow the
house of Lancaster, to haue had the true right
to enter, not only after the death of king Ri-
chard

Hollingc.
in vit. Ri-
chard 3.
pag. 1406.
& in vit.
Edward
6. pag. 1715

chard the second (as it did) but also before him, that is to say, immediatly vpon the death of king Edward the third, for that Iohn of Gaunt vvas then the eldest sonne, which king Edward had lyuing, and neerer to his father by a decree, then vvas Richard the nephew. About vvhich pointe to wit, vwhether the vncle or the nephew shold be preferred in succession of kingdomes, it seemeth that in this age of K. Edward the third there vvas great trouble, and controuersy in the world abroad, for so testifieth Girard du Haillan Counceler and secretary of France, in his story of the yeare of Christ 1346. vwhich vwas about the middest of king Edwards reigne, and therfore no maruaile though king Edward tooke such care of the sure establishing of his nephew Richard in succession, as is before related. And much lesse maruail is it if king Richard had stil great ie-
Girard de
Haillan L.
13. his
Fran. ini-
tio.
 losy of his vncle the duke of Lancaster, and of his offspring, considering how doubtful the question vvas among the wise and learned of those dayes. For more declaration vwher-of I thinke it not amisse to alleage the very vwordes of the foresaid chronicler with the examples by him recited, thus then he vvritheth.

About this tyme (sayeth he) their did arise a
vvhe-
ther vna-
cles or
nephew-
es to be
preferred
in suc-
cession
broyles
 great and doubtful question in the world, whe-
 ther vncles or nephewes, that is to say, the yon-
 ger brother, or els the children of the elder,
 shold succed vnto realmes and kingdomes,
 vwhich controuersy put al christianity into great

„ broyles and troubles For first Charles the secōd
 „ king of Naples begat of Mary his wife Queene
 „ and heyre of Hungary , diuers children, but
 „ namely three sonnes, Martel, Robert, and Pnīl.
 „ līp, Martel dying before his father left a sonne
 „ named Charles, vwhich in his grandmothers
 „ right vvas king also of Hungary , but about
 „ the kingdome of Naples the question vwas,
 „ vwhen king Charles was dead, who shoulde suc-
 „ ceed him, either Charles his nephew king of
 „ Hungary, or Robert his second sonne, but Ro-
 „ bert vvas preferred and reygned in Naples, and
 „ enjoyed the earldome of Prouince in France
 „ also, for the space of 33. yeares vwith greate re-
 „ nowne of valor & wisdome. And this is one
 „ example that Girard recounteth, vvhich exam-
 Barthol. ple is reported by the famo⁹ lawyer Bartholus
 in autent. Poetrem. in his commentaries, touching the succession
 C. de suis, & leg. he- of the kingdome of Sicilia , and he saith, that
 red. this succession of the vncle before the nephew,
 „ vvas auerred also for righful by the learend of
 „ that tyme, and confirmed for iust by the judicial
 „ sentence of Pope Boniface, and that for the rea-
 „ sons which afterward shalbe shewed, vwhen
 „ vve shal treat of this question more in par-
 „ ticuler.

The se- An other example also reporteth Girard,
 cond ex- vvhich insued immediatly after, in the same
 ample of the vncle place, for that the forsaid king Robert, hauing
 „ a sonne named Charles , which dyed before
 „ him, he left a daughter and heyre named Ioan,
 „ neece vnto king Robert, which Ioan was mar-
 ried

ried to Andrew the yonger sonne of the foresaid Charles king of Hungary, but king Robert being dead; ther stopt vp one Lewis prince of Tarranto, a place of the same kingdome of Naples, who vvas sonne to Phillip before mentioned, yonger brother to king Robert, vwhich Lewis pretending his right to be better then that of Ioan for that he vvas a man, and one degree neerer to king Charles his grand father then Ioan was, (for that he was nephew and she neece once remoued) he preuailed in like manner, and thus farr Gerrard historiographer of France.

And no doulr, but if we consider examples, that fell out euен in this very age only, concerning this controuersie betweene the vncle and nephew, we shall finde store of them: for in Spaine not long before this tyme, to wit, in the yeare of Christ 1276. vvas that great and famous determination made by *Don Alonso* the wise, eleventh king of that name, and of al his realme and nobility in their couites or parliament of *Segovia*, mentioned before by the Cvilian, wherin they disinherited the children of the prince *Don Alonso de la Cerda* that dyed (as our prince Edward did) before his father, and made heire apparent *Don Sancho brauo* yonger brother to the said *Don Alonso*, and vncle to his children, the two yong Cerdas. Which sentece standeth euен vnto this day, and king Phillip enjoyeth the crowne of Spaine therby and the dukes of Medina Celi and their race that are discen-

And ex-
ample of
the vncle
before
the ne-
phey in
spayne.
Gerbay
li 13 cap.
14 anno
1276.

descendentes of the said two Cerdas, vvhich
vvere put backe, are subiects by that sentence,
and not soueraines, as al the world knoweth.

An other
example
in France
and Flan-
ders.

The like controuersie fel out but very little
after, to vvit in the tyme of king Edward the
third in frāce, though not about the kingdome,
but about the earldome of Artoys, but yet it
was decided by a solemne sentence of two
kings of France, and of the whole parliament
of Paris, in fauour of the aunte against her
nephew, which albeit it cost great troubles: yet
vvas it defended, and king Phillip of Spaine
holdeth the county of Artoys by it at this
day, Polidor reporteth the story in this man-
ner.

Robert earle of Artoys a man famous for
his chivalry, had two children, Phillip a sonne
and Maude a daughter, this maude vvas mar-
ryed to Otho earle of Burgundy, and Phillip
<sup>Polidor I.
Is. in vit.
Edward I.</sup>
dying before his father, left a sonne named Ro-
bert the second, vvhose father Robert the first
being dead, the question was vwho should
succede, ether maude the daughter or Robert
the nephew, and the matter being remitted
vnto Phillip le Bel king of France, as chife
Lord at that tyme of that state, he adiuged it to
Maude, as to the next in blood, but vwhen Ro-
bert repyned at this sentence, the matter vvas
referred to the parliament of Paris, vvhich con-
firmed the sentence of king Phillip, wher up-
pon Robert making his way with Phillip de
Valoys that soone after came to be king of
France,

France, he assisted the said Phillip earnestly to bring him to the crowne, against king Edward of Ingland that opposed himself therunto, and by this hoped that king Phillip would haue revoked the same sentence, but he being once est blished in the crowne answered, that a sentence of such importance and so maturely given, could not be revoked. Wherupon the said Robert fled to the king of Inglands part against france, thus far Polidor.

The very like sentence recounteth the same author to haue bin giue in Ingland at the same tyme, and in the same controuersie, of the vncle against the nephew, for the succession to the dukedom of Britany, as before I haue related, wherin John Breno earle of Montford, was preferred before the daughter and heyre of his elder brother Guy, though he vvere but of the halfe blood to the last duke, and she of the whole. For that John the third duke of Britanny, had two brothers, first Guy of the vvhole blood, by father and mother, and then John Breno his yonger brother by the fatheis side only. Guy dying, left a daughter and heyre named Iane, married to the earle of Bloys, nephew to the king of France, vwho after the death of duke John pretended in the right of his wife, as daughter and beyre to Guye the elder brother: but king Edward the third with the state of Ingland, gaue sentence for John Breno, earle of Montford her vncle, as for him that vvas next in consanguinity to the dead duke,

6.
An other
example
of Britan-
ny.

duke, and with their armes the state of Ingland
did put him in possession vwho slew the earle of
^{Supra c. 2} Bloys as before hath bin declared , and ther-by
gat possession of that realme and held it euer
after, and so do his heyres at this day.

^{An other example in Scot- land.} And not long before this againe, the like resolution preuayled in Scotland , betweene the house of Balliol and Bruse, who were competitors to that crowne, by this occasion that now I wil declare. VVilliam king of Scots had issue

^{The con- uentio of the hou- ses of Balliol & Bruse in Scotland.} tvvo sonnes Alexander that succeeded in the crowne , and Dauid earle of Huntington : Alexander had issue an other Alexander, and a daughter marryed to the king of Norway , al

which issue and lyne ended about the yeare 1290. Dauid yonger brother to king William, had issue two daughters, Margaret and Isabel, Margaret vvas married to Alaine earle of Gallo-way, and had issue by him a daughter that married John Balliol Lord of Harcourt in Normādie , vwho had issue by her this John Balliol founder of Balliol College in Oxford that now pretended the crowne, as discended from the eldest daughter of Dauid in the third descent.

Isabel the second daughter of Dauid , vwas married to Robert Bruse, Earle of Cleueland in Ingland , vwho had issue by her this Robert Bruse , earle of Carick, the other competitor. Now then the question betweene these two co-petitors was, vwhich of them shoulde succeede. ether John Balliol that was nephew to the elder daughter or Robert Bruse that vwas sonne to

^{the}

the yonger daughter, & so one degree more neere to the stock or stemme then the other. And albeit king Edward the first of Ingland, whose power vvas dreadful at that day in Scotland, hauing the matter referred to his arbitrement, gave sentence for Iohn Bailliol, and Robert Bruse obeyed for the tyme, in respect partly of feare and partly of his oth that he had made to stand to that iudgment: yet vvas that sentence held to be vniust in Scotland, and so vwas the crowne restored afterward to Robert Bruse his sonne, and his posterity doth hold it vnto this day.

In Ingland also it selfe, they allege the examples of king Henry the first preferred before his nephew William, sonne and heyre to his elder brother Robert, as also the example of king Iohn preferred before his nephew Arthur, duke of Britany, for that king Henry the second had fower sonnes, Henry, Richard, Geffrey, and Iohn, Henry dyed before his father vwithout issue, Richard reygned after him and dyed also vwithout issue: Geffrey also dyed before his father, but left a sonne named Arthur duke of Britanie, by right of his mother. But after the death of king Richard, the question vvas vwho shoulde succeede, to vvit, either Arthur the nephew or Iohn the vnkle, but the matter in Ingland vvas soone decided: for that Iohn the vnkle was preferred before the nephew Arthur, by reason he vwas more neere to his brother dead, by a degree

2.

Examples
in Inglađ.

then vvas Arthur. Andalbeit the king of Frâce
and some other princes abroad opposed them-
selues for stomach against this succession of
king John, yet say these faourers of the house
of Lancaster, that the Inglith inclined stil to
acknowlege and admitt his right, before his
nephew, and so they proclaymed this kinge
John for king of Ingland, vwhiles he vwas yet
in Normandie, I meane Hubert Archbisshop of
Canterbury, Elenor the Queene this mother,
Geffrey Fitz peter chiefe iudge of Ingland(vvho
knew also vwhat law meant therin) and others
the nobles and Barons of the realme, vvithout
making any doubt or scruple of his title to the
succession.

And vvheras those of the house of Yorke do
allege, that king Richard in his life tyme,
vwhen he was to goe to the holy land, caused
his nephew Arthur to be declared heyre appa-
rent to the crowne, and therby did shew that
his title vvas the better, they of Lancaster do
answere, first, that this declaration of king Ri-
chard, vvas not made by act of parlament of
England, for that king Richard vvas in No-
mandy vwhen he made this declaration, as
playnly appeareth both by Polidor and Hol-
lingshead. Secondly, that this declaration was
made the sooner by king Richard at that tyme,
therby to repreffe and kepe downe the ambi-
tious humor of his brother Iohn, vvhom he
feared least in his absence, if he had bin decla-
red for heyre apparé, might inuade the crowne,

Hollings-
head in
vit. Regis
Ioannis
pag. 142.

Hovv Ar-
thur duke
of Britan-
ny vvas
declared
heyre ap-
parent.

Polidor
1. 14. Hol-
lingshead in
vit. Ri-
char. I.
pag. 410.

2.

as in

as in dede vwithout that , he was like to haue done, as may appeare by that which happened in his saide brothers abience.

Thirdly they shew, that this declaration of king Richard vvas never admitted in Ingland, neither duke Iohn would suffer it to be admitted, but rather caused the bishop of Ely that vvas left gouernour by king Richard, vwith cōsent of the nobility, to renownce the said declaration of king Richard in fauour of Arthur, and to take a contrary oth to admitt the said John, if king Richard his brother shoulde dye vwithout issue , and the like oth did the said Bishop of Ely together with the Archbisshop of Roan, that was left in equal authority with him, exact and take of the citizens of London, vwhen they gaue them their priuileges and li- berties of cōmunaltie, as Hollingshed recor- deth.

Hollings.
in vit Ri-
char. regis
pag 496.
& 499.

And lastly the said Hollingshed vvritheth, how that king Richard being now come home againe from the warr of Hierusalem , and void of that ielosy of his brother , vwhich before I haue mentioned: he made his last wil and testa- ment, and ordeyned in the same, that his bro- ther Iohn, should be his successor, & caused al the nobles there present to sweare fealtie vnto him, as to his next in blood , for which cause Thomas Walsingham in his story vvritheth these wordes, *Ioannis Filius iunior Henrici 2. Anglorum regis, & Alienoræ Ducissæ, Aquitaniae, non modo iure propinquitatis, sed etiam testamentio fratris sui;* *Ri-*

Hollings.
head pag.

VValsing.

in ypo-

dig. Neu-

frisia.

chardi, designatus est successo : post mortem ipsius.

Which is, Iohn yonge sonne of Henry the second king of Ingland, and of Eleanor duchesse of Aquitaine, vvas declared successor of the crowne not only by law and right of neernes of blood, but also by the wil and testament of Richard his brother. Thus much this ancient chthonicler speaketh in the testifying of King Johns title.

By al which examples, that fell out almost vwithin one age in diuers natiōs ouer the world (letting passe many others which the Ciuilian touched in his discourse before, for that they are of more ancient tymes) these faouurers of the house of Lancaster do inferr, that the right of the vncle before the nephew, vvas no new or straunge matter in those dayes of king Edward the third, and that if we vvil deny the same now, vve must cal in question the succession and right of al the kingdomes and states before mentioned, of Naples, Sicilie, Spayne, Britanie, Flanders, Scotland, & Ingland, whose kings and princes do evidently hold their crownes at this day by that very title, as hath bin shewed.

*Opinions
of la-
tvyers for
the ne-
phew &
vncle.* Moreouer they saye, that touching law in this pointe, albeit the most famous Ciuil lavyers of the world, be some vwhat deuided in the same matter, some of them faouuring the vncle, and some other the nephew, and that for different reasons. As Baldus Oldratus, Panormitanus and diuers others alleaged by Guillelmus

Guillelmus Benedictus in his repetitions in fa-
uour of the nephew against the vncle , and on
the other side, for the vncle before the nephew,
Battolus, Alexander, Decius, Altiatus, Cuiatius testam.
and many other their followvers, are recom-
ted in the same place by the same man , yet
in the end, Baldus that is held for head of
the contrary side, for the nephew , after al rea-
sons weighed to and fro, he commeth to con-
clude, that seing rigour of law tunneth only
with the vncle, for that in deed, he is properly
neerest in blood by one degree , and that only
indulgence and custome serueth for the ne-
phew, permitting him to represent the place of
his father, vvhich is dead, they resolute (I say)
that vwhensoeuer the vncle is borne before the
nephew, and the said vncles elder brother dyed
before his father (as it happened in the case of
John of Gaunt and of king Richard) their the
vncle by right may be preferrēd , for that the
said elder brother could not giue or transmitte
that thing to his sonne , vvhich vvas not in
himselfe before his father dyed , and conse-
quently his sonne could not represent that
vvhich his father never had , and this for the
Ciuillaw.

Touching our common lawes , the faou-
ters of lancaster do say two or three things, first
that the right of the crowne and interest ther-
unto is not decided exprestly in our lawv ,
nor it is a plea subiect to the common rules
therof, but is superiour and more eminent,

Benedict.
Cap. Ra-
nutius
verb. in
codem

Baldus in
lib. vt in
test cap.
de suis &
leg. he-
red. & per.
li. vnicam
pro 20.
sui autē
fimo.

Tou-
ching the
common
lawv of
England.

and therfore that men may not judge of this
as of other pleas of particular persons, nor is the
tryal like, nor the common maximes or rules
alwaies of force in this thing, as in others,
which they proue by diuers particular cases, as
for example, the vwidow of a priuate man shal
haue her thirdes of al his landes for her dowry,

Different
rules in
successio
of the
crown
and of
other in-
heritan-
ces.

but not the Queene of the crowne. Againe if
a priuate man haue many daughters, and dye
seazed of any landes in fee simple, vwithout
heyre male, his said daughters by law shal haue
the said landes as coparteners equally denided
betweene them, but not the daughters of a
king, for that the eldest must carry away al, as
though she vvere heyre male. The lyke also is
seene, if a baron match he vwith a femme that is
an inheretrix, and haue issue by her, though
she dye, yet shal he enioye her landes during
his lyfe, as tenant by curtesie, but it is not so
in the crowne if a man mary with a Queene, as
king Phillip dyd with Queene Marye: and so
finally they laye also that albeit in priuate mens
possessions, the common course of our law is,
that if the father dye seazed of landes in fee
simple, leauing a yonger sonne and a nephew,
that is to say a child of his elder sonne, the
nephew shal succede his grandfather, as also
he shal do his vncle, if of three bretheren the
elder dye without issue, and the second leauue a
sonne: yet in the inheritance and succession
of the crowne it goeth otherwise, as by al the
former eight examples haue bin shewed, and
this

this is the first they saye about the common law.

The second pointe which they affirme is, The com
mon lavy
grounded
in custo-
me. that the ground of our common lawes, consisteth principally and almost only, about this pointe of the crowne, in custome, for so say they we see by experience, that nothing in effect, is written therof in the common law, and al old lawyers do affirme this pointe, as vvere *Ranulfus de Granuilla* in his booke of the lawes and customes of Ingland, vvhich he vvrote in the tyme of king Henry the second, and Judge *Fortescue* in his booke of the prayse of Inglish lawes, vvhich he compiled in the tyme of king Henry the sixt, and others. Wheroft these men do inferr, that seing there are so many presidēts and examples alleaged before, of the vncles case preferred before the nephew, not only in forayne countryes, but also in Ingland, for this cause (I saye) they do affirme, that our cōmon lawes, cannot but fauour also this title, and cōsequently must needs like vvel of the interest of Lancaster, as they auouch that al the best old lawyers did in those tymes: & for example they do record two by name, of the most famous learned men vvhich those ages had, who not only defended the said title of Lancaster in those dayes, but also suffred much for the same. Ancient
lavyers
that de-
fended
the house
of Lan-
caster. The one vvas the forenamed iudge *Fortescue*, Chancelor of Ingland, and named father of the common lawes in that age, vvhich fled out of Ingland vvhith the Queene, vvhife of king

Holling.
in vit. Hē-
sic. 6. pag.
23 00.

Henry the sixt, & vwith the prince her sonne, and liued in banishment in france, vwhere it seemeth also that he vvrote his learned booke intituled *de laudibus legum Anglia*. And the other vvas, Sir Thomas Thotope chiefe Baron of the excheker, in the same teigne of the same king Henry the sixt, vwho being aftervward put into the tower by the Princes of the house of Yorke, remayned ther a long tyme, and after being deliuered, was beheaded at hygate in a tumulte, in the dayes of king Edward the fourth.

The summe of fayouours of the house of Lācaster do lay downe for the iustifying of that title, affirming first,

1. *that Iohn of Gaunt duke of Lancaster ought to haue succeeded his father K. Edward the third, immediatly before king Richard, and that injury vvas done vnto him in that king Richard vvas preferred. And secondly that king Richard*

2. *(vvere his right neuer so good) vvas iustly & orderly deposed, for his euil gouernment, by lawful authority of the common wealth. And thirdly that after his deposition, Henry duke of Lancaster, sonne & heyre of Iohn of Gaunt, vvas next in succession euery vway, both in respect of the right of his father, as also for that he vvas two degrees nearer to the king deposed then vvas Edmond Mortimer descended of Leonel duke of Clarence, and these are the principal and substancial prooves of their right and title.*

But

But yet besides these, they do add also these other arguments and cōsiderations following: first that vwhat soeuer right or pretence the house of Yorke had, the princes therof did forfeit and leese the same many tymes, by their cōspiraces, rehelliōns & attainerdes, as namely Richard earle of Cambrige, that married the lady Anne Mortimer, and by her tooke his pretence to the crowne, vvas conuicted of a conspiracy against king Henry the fift in Southampton, as before I haue said, and there vvas put to death for the same, by iudgment of the king, and of al his peeres, in the yeare 1415. the duke of Yorke his elder brother, being one of the iury that condēned him. This earle Richards sonne, also named Richard, comming afterward by the death of his vncle, to be duke of York, first of al made open clayme to the crowne, by the title of Yorke. But yet after many othes sworne and broken to king Henry the sixt, he was attaynted of treason: I meane bothe he and Edward his sonne, then earle of march, which aftervward vvas king, vwith the rest of his offinge euen to the ny nth degree(as Stow affirmeth) in a parliament holden at Couentry in the yeare 1459. and in the 38. yeare of the reigne of the said king Henry, and the very next yeare after the said Richard was slayne in the same quarrel:but the hōuse of Lancaster (say these mē) was neuer attainted of any such crime.

Secondly they saye, that the house of Yorke

Other arguments
of Lancas-
ter.

Stow in
vita Hen-
rici 5.

The
princes of
Yorke
often at-
tained.

Stow in
vita Hen-
rici 6.

^{2.} did enter only by violence, & by infinite blood-shedd, and by wilful murthering not only of diuers of the nobilitie both spiritual and temporal, but also of both king Héry the sixt hym self and of prince Edward his sonne, and by ^a certaine populer and mutinous election of ^a certaine few souldiers in Smithfield of Lódon, and this vvas the entrance of the howse of Yorke to the crowne, vwheras king Henry the fourth, first king of the house of Lancaster, entered vwithout bloodshed as hath bin shewed, beinge called home by the requestes and letters of the people and nobility, and his election & admission to the crowne, vvas orderly, and authorized by general consent of parliament, in the doing therof.

^{3.} *The house of Yorke put downe a holy king.* Thirdly they allege, that king Héry the sixt put downe by the house of Yorke, was a good and holy king, and had reigned peaceably 40, yeares, and neuer committed any act, vworthy deposition, vwheras king Richard the second had many waies deserued the same, as him selfe came to acknowledge, and ther vpon made a personal solemne and publique resignation of the said crowne vnto his chosen Henry of Lancaster, the which iustified much the said Henries entrance.

^{4.} *Long pos-
sessions
of the
house of
Lanca-
ster.* Fourthly they allege that the housa of Lancaster had bin in possession of the crowne vpon the pointe of 60. yeares, before the house of Yorke did raise trouble vnto them for the same, in vwhich tyme their title was confirmed by many

by many parlaments, othes, approbations, and
publique acts of the common vvealth, and by
the nobles peeres and people therof, and by the
states both spiritual and temporal, and vwith
the cōsent of al foraine nations, so that if there
had bin any fault in their first entrance, yet
vvas this sufficient to authotize the same, as we
see it vvas in the title of king William the Con-
queror, and of his two sonnes king William
Rufus, and king Henry the first, that entred
before their elder brother, and of king Iohn,
that entred before his nephew, & of his sonne
king Henry the third that entred after his
fathers depriuation, and after the election of
prince Lewis of france, as also of Edward the
third that entred by deposition of his owne fa-
ther: of al which titles, yet might there haue bin
doubt made at the begining, but by tyme and
durance of possession, and by confirmation of
the commō wealth, they were made lawful, &
vwithout controuersie.

Fiftly they say, that if we consider the fowre
king Heuryes that haue bin of the house of
Lancaster to wit the 4. 5. 6. and 7. and do com-
pare the vwith the other fower that haue bin of
the house of York, to wit Edward the fourth,
Richard the third, Henry the eight, & Edward
the sixt, & al their acts both at home & abroade,
vwhat quietnes or troubles haue passed, & what
the common wealth of Ingland hath gotten
or lost vnder each of them, vve shal finde, that
God hath seemed to prosper and allow much
more

The dif-
ference
of kings
of both
houles.

more of those of Lancaster, then of those of Yorke, for that vnder those of Lancaster the realme hath enjoyed much more peace, and gayned far greater honor, and enlarged more the dominions of the crowne then vnder those of Yorke, and that it had done also much more if the seditions, rebellions, and troobles rayfed and brought in by the princes of the house of Yorke, had not hindered the same, as saye these men, it vvas evidently seene in the tyme of king Henry the sixt, when their contention against the princes of the house of Lancaster, vvas the principal cause vwhy al the English states in France vvere lost, and what garboiles and troubles at home haue ensued afterwards, and how infinite murthers and man slaughteris vwith chainge of nobility haue bin caused hereby, and increased afterward vnder the gouernment and rule of the princes of Yorke, neadeth not (say these men) to be declared.

s.
The
princes of
Yorke
cruel one
to the
other.

One thing only they note in particular, vwhich I vvil not omit (and let it be the sixt note) and that is, that the princes of Yorke vnto their aduersaires, but also among them-selues, and to their owne kyntred, vwhich these men take to be a iust punishment of God vpon them: And for proofe heirof, they alleage first, the testimonie of Polydor, vwho albeit he vvere a great aduocat of the house of Yorke, as before hath bin noted, for that he liued

he liued and vvhrote his story vnder king Henry the eight , yet in one place he breaketh foorth into these wordes , of the princes of this house. *Cum non haberent iam inimicos in quos se uitiam explerent, & saturarent, in semetipso crudelitatem exercuerunt, proprioque sanguine suas pollure manus.* When these princes now had brought to destruction al those of the house of Lancaster , so as they had no more enimyes vpon vvhom to fill and satiat their crueltie , then began they to exercise their fiersnes vpon themselues , and to embrevv their handes with their owne blood, thus far Polidor.

Secondly they do shew the same by the Great deeds of both sides, for that the loue, vnion, trust, confidence, fayth fulnes, kyndnes, and loyaltie of the princes of Lancaster , the one to vvardes the other , is singuler and notorious , as may appeare by the acts and studious endeouours of the lord Henry bishop of Winchester, and Cardinal, and of the lord Thomas duke of Excester and marques of Dorset , brothers of king Henry the fourth, to vvhom and to his children,they were most faythfull frendly and loyal , as also by the noble proceedings of the lordes Thomas duke of Clarence , Iohn duke of Bedford , and Humfrey duke of Gloucester , sonnes of the foresaid Henry the fourth, and brothers of king Henry the fift , (the first of vwhich three gaue his blood in his seruice, & the other

two spent their whole liues in defence , of the dignity of the Inglysh crowne , the one as regent of France , the other as protector of Ingland: by the worthy acts also and renomed fayth fulnes of the dukes of Somerset , cosen germans to the said king Henry the fourth, and to his children , and the proper ancestors of king Henry the seventh, al vwhich dukes of Somerset, of the house of Lancaster , (being five or six in number) did not only as Polydor sayeth, assist and helpe their soueraine, and the *Vigilijs curis & periculis*, that is to saye with watchfulnes, cares , and offering themselues to dangers, but also fower of them one after an other , to with Edmond with his three sonnes , Henry, Edmond , and Iohn, (wherof two successiuely after him vvere dukes of Somerset, and the other marques dorset) were al fower (I say) as so many Machabyes, slayne in the defence of their country and family, by the other factiō of the house of Yorke, which thing say these men, shewed evidently both a maruelous confidence that these men had in their quarrel, as also a great blessing of God towards that familie, that they had such loue and vnion among themselues.

Dissen-
tions in
the house
of Yorke.

But now in the house of Yorke these men endeour to shew al the contrary , to witt that there vvas nothing els but suspition, hatted, & emulations among themselues , and extreme crueltie of one against the other, and so vve see that as loone almost as Edward duke of Yorke came to

came to be king, George duke of Clarence his yonger brother conspired against him, & did help to drieue him out againe, both from the realme and crowne. In recompence vtherof his said elder brother afterward notwithstanding al the reconciliation and many othes that passed betweene them, of new loue and vnion, caused him vpon new grudges to be taken & murthered priuily at Calis, as al the world knoweth. And after both their deathes, Richard their third brother, murthered the two sonnes of his said elder brother, and kept in prison vwhiles he liued, the sonne and heyre of his second brother, I meane the yong earle of Warwick, though he were but a very child, vvhom king Henry the seventh aftervvard put to death.

King ED-
ward 4.
King Ri-
chard 3.

But king Henry the eight that succeeded them, passed al the rest in crueltie, toward his owne kynred, for he weeded out almost al that euer he could finde of the blood royal of York, and this either for emulation, or causes of meere suspicion only. For first of al he beheded Edmond de la Pole duke of Suffolk, sonne of his owne aunt lady Elizabeth, that was sister to king Edward the fourth, vwhich Edward vvas grandfather to king Henry as is euident. The like destruction king Henry vvent about to bring to Richard de la Pole brother to the said Edmond, if he had not escaped his handes by flying the realme, whom yet he neuer ceased to pursue, vntil he vvas slayne in the battel of la poole.

King He-
ry 8.howv
many he
put to
death of
his ovne
kynred.

Pauia in seruice of the king of Frāce, by whose death vvas extinguished the noble house of the de la Poles.

The
house of
Buckin-
gam.

Agayne the said king Henry put to death Edward duke of Buckingham, high constable of Ingland, the sonne of his great Aunt, sister to the Queene Elizabeth his grādmother, and therby ouerthew also that vvorthy house of Buckingham, & after againe he put to death his cosen germaine Henry Courtney marques of Excester, sonne of the lady Catherin his Aūt, that vvas daughter of king Edward the fourth, and attainted iointly vwith him, his vvife the lady Gertrude, taking from her al her goodes landes and inheritance, and committed to perpetual prison their only sonne and heyre lord Edward Courtney, being then but a childe of seuen yeares old, vwhich remayned so there, vntil many yeates after he vvas set at libertie and restored to his liuing by Queene Mary.

The
house of
Salisbury.

Moreover he put to death the lady Margaret Plantagener, Countesse of Salisbury, daughter of George duke of Clarence, that vvas brother of his grandfather king Edward the fourth, & vwith her he put to death also her eldest sonne and heyre Thomas Poole, lord Montague, and committed to perpetual prison (where soone after also he ended his life) a litile infant named Henry Poole his sonne and heyre, & condemned to death by act of parliament (although absent) Renald Pole brother to the said lord Montague

Montague Cardinal in Rome, wherby he ouer-threw also the noble house of Salisbury and Warwick: nether need I to go further in this ^{Seymiers} relation, though these men do note also, how Edward the sixt put to death.

Edward the sixt put to death two of his owne uncles, the Seymers (or at least it vvas done by his authority) and how that vnder her Maiestie that now is, the Queene of Scotland, that vvas next in kynne of any other liuing & the chiefe ^{Queene} of Scots, titler of the honse of Yorke, hath also bin put to death.

Lastly they do note, (and I may not omit it) ^{7.} that their is no noble house standing at this day in Ingland in the ancient state of calling that it had, and in that dignity and degree that it vvas in vwhen the house of Yorke entred to the crowne (if it be aboue the state of a barony) but only such as defended the right and interest of the houses of Lancaster, and that al other great houses that toke parte vwith the house of Yorke, and did helpe to ruine the house of Lancaster, be either ceased since, or extyprated and ouer throwne by the same house of Yorke it selfe which they assisted to gett the crowne, & so at this present they be either vni-ted to the crowne by confiscatiō, or transferred to other lñages that are strangers to them who possessed the before. As for example, the ancient houses of Inglād, that remaine at this day & were stāding whe the house of Yorke begā ther title, are, the houses of Arōdel, Oxford, Northūber-land, Westmerland, & Shrewsbēry (for al other ^{sive an-}
^{cient nob-}
^{le hov-}
^{es.})

that are in England at this day, aboue the dignitie of Barons, haue bin aduanced since that tyme) and al these ffe houses vvere these that principally did stick vnto the house of Lancaster, as is euident by al English chronicles.

Arondel. For that the earle of Arondel brought in king Henty the fourth, first king of the house of Lancaster, and did helpe to place him in the dignity royal, comming out of France vwith him.

Oxford. The earle of Oxford, and his sonne the Ioid Vere, were so earnest in the defence of king Héry the sixt as they were both slayne by king Edward the fourth, and Iohn earle of Oxford vvas one of the principal assistats of Héry the sevēth, to take the crowne frō Richard the

**Northum-
berland,** third. The house of Northumberland also was a principal ayde to Henry the fourth in getting the crowne, and two earles of that name to wit Henry the second and third, were slayne in the quarrel of king Henry the sixt, one in the battel of S. Albons, and the other of Saxton, and a third earle named Henry the fourth fled into Scotlād vwith the said king Henry the sixt. The

**Vwest-
merland.** house of Westmerland also vvas chiefe aduācer of Héry the fourth to the crowne, & the secōd earle of that house, vvas slayne in the party of Henry the sixt in the said battaile of Saxton,

**Shrevv-
bury.** and Iohn earle of Shrewsbury vwas likevvise slayne in defence of the title of Lancaster in the battaile of Norhamptō, and I omit many other great seruices and faithful endeouours vwhich many Princes of these ffe noble anciēt houses,

did in

did in the defence of the Lancastrian kings, vwhich these men say, that God hath revvarded vwith continuance of their howses vnto this day.

But on the contrary side, these men do note, ^{Houses} that al the old houses that principally assisted. ^{that faine red York} The title of Yorke, are now extinguished, and destroyed that chiefly by the kings themselues of that house, as for example, the principal peetes that assisted the family of Yorke, vvere Moubray duke of Norfolke, de la Poole duke of Suffolke, the earle of Salisbury and the earle of Warwick, of al which the euent was this.

John Moubray duke of Norfolke the first confederat of the house of Yorke, dyed soone after the exaltation of Edward the fourth, vwithout issue, and so that name of Moubray ceased, and the title of the dukedom of Norfolke vvas transferred afterward by king Richard the third, vnto the house of Howards.

John de la Poole duke of Suffolke, that married the sister of king Edward the fourth, & was his great assistant, though he left three sonnes, yet al were extinguished vwithout issue, by helpe of the house of Yorke, for that Edmond the eldest sonne duke of Suffolke vvas beheaded by king Henry the eight, & his brother Richard driven out of the realme to his destruction, as before hath bin shewed, & John their brother earle of Lincolue, was slayne at Stockfild in seruice of king Richard the third, and so ended the line of de la Pooles.

The
house of
Salisbury
& War-
wick.

Richard Neuel earle of Salisbury, a chiefe enemy to the house of Lancaster, and exalter of York, vvas taken at the battaile of Wakefild, and there beheaded leauing three sonnes, Richard, Iohn and George: Richard vvas earle both of Salisbuty and Warwick, surnamed the great earle of Warwick, & ywas he that placed king Edward the fourth in the royal seate, by whome yet he vvas slayne afterward at Barnet, and the landes of these two great earldomes of Salisbuty and Warwick, were vnited to the crowne by his attainder. Iohn his yonger brother vvas Marques of montague, and after al assistance giuen to the said king Edward the fourth of the howse of Yorke, vvas slayne also by him at Barnet, and his lands in like manner confiscate to the crowne, vwhich yet vvere never restored againe: George Neuel their yonger brother vwas Archbis hop of Yorke, & vvas taken & sent prisoner by the said king Edward vnto Guynes, vwho shortly after pined avvay and dyed, and this vvas the ende of al the principal frendes, helpers & aduancers of the house of Yorke, as these men do alleage.

Wherfore they do conclude, that for al these reasons, & many more that might be alleaged, the title of Lancaster must needes seeme the better title, which they do confirme by the general consent of al the realme, at king Henry the seventh his comming in to recouer the crowne from the house of Yorke, as from vsupers, for hauing had the victory against king

Richard,

Richard, they crowned him prefetly in the feild
in the right of Lancaster, before he married with
the house of Yorke, which is a token that they
esteemed his title of Lancaster sufficient of it
selfe, to beare away the crowne, albeit for bet-
ter ending of strife he tooke to vwife also the
lady Elizabeth heyre of the howse of Yorke, as
hath bin said, and this may be sufficient for the
present, in this contouersie.

King Hen-
ry the 7.
crowned
in the feild
in respect
of the
house of
Lancaster
only
thought
his tylte
that wwas
wvas not
great.

OF FIVE PRINCIPAL HOVSES OR LINAGES THAT DO OR MAY PRETEND TO THE CROWNE of Ingland, which are the houses of Scotland, Suffolke, Clarence Britanie, and Portugal, and first of al, of the house of Scotland, which conteyneth the pretentions of the king of Scottes and the Lady Arbellla,

C A P. V.

HAVING declared in the former chap-
ter, so much as apparteyneth vnto the
general contouersie betweene the two princi-
pal houses and royal families of Lancaster and
Yorke, it remayneth now that I lay before you
the particular challenges, claymes and preten-
tions, which diuers houses and families des-
cended (for the most part) of these two, haue
among themselues, for their titles to the same.

Al which families, may be reduced to three
or fower general heades. For that some do pre-
tende by the house of Lancaster alone, as those

A diuisiō
of the fa-
milies
that do
precend.

families principally that do descend of the line royal of Portngal: some other do pretende by the howse of Yorke only, as those that are descended, of George duke of Clarence, second brother to K. Edward the fourth. Some agayne wil seeme to pretend from both howses ioyned together, as al those that descende from king Henry the seventh, vwhich are the houses of Scotland and Suffolke, albeit (as before hath appeared) others do deny that these families haue any true part in the house of Lancaster, which pointe shal afterward be discussed more at large. And fourthly others do pretend, before the two houses of Yorke and Lancaster were deuided, as the Infanta of Spayne, duchesse of Sauoy, the prince of Lorayne & such otheris, as haue descended of the house of Britanny and France, of al vwhich pretences & pretendors, vve shal speake in order, and consider vwith indifferencie vwhat is said or alleged of euery side, to and fro, begining first with the house of Scotland, as with that which in common opinion of vulgar men, is taken to be first and neerest (though others denye it) for that they are descēded of the first and eldest daughter, of king Henry the seventh, as before in the third chapter hath bin declared.

Of the
house of
Scotland.

First then two persons are knowne to be of this house at this daye that may haue action & clayme to the crowne of Ingland, the first is, Lord Iames the sixt of that name presently king of Scotland, who descendeth of Margaret

eldest

eldest daughter of king Henry the seveth, that
vvas married by her first marriage to Iames the
fourth king of Scots, & by him had issue Iames
the fift, and he agayne the lady Mary mother
to this king now pretendant.

The second person that may pretend in this
house, is the lady Arbella, descended of the selfe
same Queene Margaret by her secōd marriage,
vnto Archibald Douglas earle of Anguis, by
vvhom she had Margaret that vvas married to
Mathew Steward earle of Lenox, and by him
had Charles her second sonne earle of Lenox,
vwho by Elizabeth daughter of Syr William
Candish knight in Ingland, had issue this Ar-
bella now aliue.

First then, for the king of Scots, those that do
fauour his cause, (wherof I confesse that I haue
not founde very many in Ingland) do allege,
that he is the first and cheefest pretendor of al
others, and next in succession, for that he is the
first person that is descended (as you see) of the
eldest daughter of king Henry the seventh, and
that in this discent ther cā no bastardy or other
lawful impediment be auowed, vwhy he
should not succeede according to the priority
of his pretention and birth: And moreouer se-
condly they do allege that it would be greatly
for the honor and profit of Ingland, for that
hereby the two Realmes of Ingland and Scot-
land, shoulde come to be ioyned, a pointe lōge
sought for, and much to be wished, and finally
such as are affected to his religion do adde,

In fauone
of the
king of
Scots.

1.

2.

3.

that hereby true religion wil come to be more settled also and established in Ingland, which they take to be a matter of no smale consequence, and consideration, and this in effect is that vvhich the fauourers of this prince do alleage in his behalfe.

**Argumēt
against
the king
of Scots.** But on the other side, there want not many that do accompt this pretence of the king of Scots neither good nor iust, nor any waye expedient for the state of Ingland, and they do answere largely to al the allegations before mentioned in his behalfe.

And first of al, as cōcerning his title, by neernes of succession, they make little accompt ther-of, both for that in it selfe (they saye) it may easily be ouerthrowne, and proued to be of no validitie, as also for that if it were never so good, yet might it for other considerations be reiectēd, and made frustrate, as our frend the Civil lawyer, hath largely & learnedly proued these dayes; in our hearing.

To begin then to speake first of the king of Scots title by neernes of blood, these men do affirme, that albeit there be not alleged any bastydy in his discent, from K. Henry the seuēth his daughter, as there is in het second marriage against the lady Arbella: yet are there other rea-

**The king
of Scots
not of the
house of
Lanca-
ster.** sons enough to frustrat and ouerthrow this clayme and pretention, and first of al, for that he is not (say these men) of the house of Lancaster by lady Blanch the only true heyre therof, as before hath in part bin shewed, and

shalbe afterward more largely, but only by Catherin Swinford whose children being vn lawfully begotten, and but of the halfe blood, whether they may by that legitimation of parliament, that vvas giuen them, be made inheritable vnto the crowne before the lawful daughter of the whole blood, shalbe discussed afterward in place conuenient, when we shal talke of the house of Portugal: but in the meane space, these men do presume, that the king of Scots is but only of the house of Yorke, and then affirming further that the title of the house of Lancaster, is better then that of Yorke, as by many argumētes the fauorers of Lācaster haue indeuored to shew in the former chapter, they do inferr that this is sufficient, to make voide al clayme of the king of Scots, that he maye pretende by neernes of blood, especially seing there wāt not at thisday pretēders enough of the other house of Lācaster to clayme their right, so as the howse of Yorke shal not neede to enter for fault of true heyres, and this is the first argumēt which is made against the Scotish king & al the rest of his linage, by the fauourers and followers of the said house of Lancaster.

A second Argument is made against the said kings succession not by them of Lancaster, but rather by those of his owne house of Yorke, ^{The King of Scots foraine borne.} vvhich is founded vpon his forraine birth, by bothe vvhich they hold that he is excluded, by the common lawes of Ingland from succession to the crowne, for that the said lawes do bar al

strangers borne out of the realme, to inherite
within the land, and this is an argumēt hādled
very largely betweene the foresaid bookeſ of
M. Hales, M. Morgan and my lord of Rosſe, &
for that the ſame doth concerne much the pre-
tentions and claymes of diuers others, that be
ſtrangers alſo by birth, and yet do pretend to
this ſucceſſion, as before hath bin declared: I
ſhal repeate brefly in this place, the ſumme of
that vwhich is alleaged of both parties in this
behalfe.

The con-
trouerſie
about to
myne
Dyng.

First then, to the general assertion, that no
ſtranger at al may inherite any thing, by any
meanes in Ingland, the ſaid bookeſ of M. Mor-
gan & my lord Rosſe do anſwre, that in that
vniuerſal ſenſe, it is falſe, for that it appeareth
playnely by that vwhich is ſet downe by law in
the ſeuēth & nynth yeareſ of king Edward the
fourth, & in the eleuēth, & fourteēth of K. Hēry
the fourth, that a ſtranger may purchase land in
Ingland, as alſo that he may inherite by his wife
if he ſhould marry an inheritrix.

Secondly they ſaye, that the true maxima or
gers may rule againſt the inheritance of ſtrangers, is
grounded only vpon a ſtatute made in the 25.
yeare of king Edward the third, and is to be re-
ſtrayned vnto proper inheritances only, to wit,
that no person borne out of the allegiance of
the king of Ingland, whose father and mother
vvere not of the ſame allegiance at the tyme
of his birth (for ſo are the wordes of the ſtatute)
ſhalbe able to haue or demande any heritage
vwith

vwithin the same allegiance, as heire to any person.

Thirdly they say, that this axiome or general rule cannot any way touch or be applied to the succession of the crowne, first for that as hath bin declared before, no axiome or maxima of our law can touch or be vnderstood of matters concerning the crowne, except expresse mention be made therof, and that the crowne is priuileged in many pointes that other priuate heritages be not.

And secondly for that the crowne cannot properly be called an inheritance of allegiance or vwithin allegiance, as the wordes of the said statute do stande, for that it is not holdē of any superiour not vwithin allegiance, but immediatly from God. And thirdly for that the statute meaneth plainly of inheritances by dissent (for otherwise as is said an alien may hold landes by purchase) but the crowne is a thing incorporate, and discendeth not according to the common course of other priuate inheritances, but rather goeth by succession as other incorporations do, in signe wherof, no king can by law auoide his letters patents by reason of his nōage, as other common heires vnder age do, but he is euer presumed to be of ful age, in respect of his crowne, euē as a prior, parson, deane, or other head incorporat, is, vwhich can neuer be presumed to be vwithin age, and so, as any such head incorporate though he be an alien, might inherite or demaund landes in

England

Reasons
vwhy the
statute
toucheth
not our
case.

The
crowne
not holdē
by alle-
geance.

England for his incorporation notwithstanding
the former statute, so much more the inheri-
tore to the crowne.

Fourthly they saye that in the very statute it
selfe their is expresse exception of *Infantes du Roy*, by which wordes, these men do hold to be
vnderstood al the kings offspring or blood
royal, and they do fortifie their prooфе, for that
otherwise king Edward the third being then
aliue vwhen this statute against strangers vvas
made, and his children also, who had dispersed
ther blood by matriages ouer al Christendome,
they vwould neuer haue suffred such a statute
to passe to their owne preiudice, if the heritage
of the crowne shold fall vnto them or any of
theirs, that shold be borne abroade.

Reason. And finally these men do shewe how that
king Stephen and king Henry, the second
borne out of the realme, and of parents that
were not of the allegiance of England vwhen
they were borne, vvere yet admitted to the
crown without contradiction in respect of their
foraine byrth, which argueth that by the com-
mon course of our old common lawes, there
vwas no such stoppe against aliens, and that if
the statute made in king Edward the third his
dayes would haue derogated or abridged this
ancient libertie, it vwould haue made special
mention therof, which it dothe not, as hath
byn shewed, and by these reasons it seemeth,
that they haue answered sufficiently to this
objection of forrayne birth, both for the
kyng

kyng of Scotland and al other pretenders that are foraine borne, so as by this impediment they may not in right be excluded from their succession.

So as now I will returne to shew the other reasons of exclusion which men do laye against the house of Scotland, wherof one is vrged muche by the house of Suffolke, and grounded vpon a certayne testament of king Henry the eight as before hath bine touched, by vwhich testament the said house of Suffolke, that is to say, the heires of the lady Francis, and of the lady Elenor, neeves to king Henry the eight, by his second sister Mary, are appointed to succeede in the crowne of Ingland, before the heires of Margaret the first sister, married in Scotland, yf king Henryes owne children should come to dye vwithout issue, as now they are al lyke to do, and this testament had both the kings hand or stampe vnto it, and diuers witnesses names besides, and vvas enrolled in the Chauncery & vvas authorized by two actes of parliament, to vvit, in the 28. and 35. yeares of king Henry, in vwhich parlaments authority vvas giuen to the said king, to dispose and ordeyne of this pointe of succession, as he and his learned Councel Should thinke best for the weale publike.

This is the effect of this argument, vwhich albeit the former bookes of M. Morgan and the bishop of Rosse, and some other of the Scottish faourers, do seeke to refute by diuers meanes & wayes, as before in the first chapter of this

King Hen-
ties testa-
ment
against
the king
of Scot-
tes.

Answere-
res to the
kings te-
stament.

this discourse is set downe , and especially by
the testimonie of the L. Paget, and Syr Edward
Montague, that said the stamp was put vnto it
vſter the king vvas past ſenſe , yet they of the
house of Suffolke are not ſatisfied vwith that
awſere, for that they ſay that at leaſt, howſo-
uer that matter of the late ſealing be, yet ſeing
the king willed it to be donne, drawen out and
fealed , it appeareth hereby that this was the
laſt vvil and iudgment of king Henry, and not
reuoked by hym: vwhich is ſufficient (ſaye theſe
men) to awſere the intent and meaning of
the realme , and the authority committed to
him, by the foreſaid two acts of parliament, for
the diſpoſing of the ſucceſſion , vwhich tvo
acts (ſay theſe men) conteyning the vwhole au-
thority of the common vvealtheſ , ſo ſeriously
and deliberately giue, in ſo weightie an affaire,
may not in reaſon be deluded or ouer throwne
now by the ſaying of one or two men, who for
pleaſing or contenting of the tyme wherin
they ſpake, might ſay or geſſe that the kings
memorie vvas paſt, vvhile the ſtampe was put
vnto his teſtament, vwhich if it vvere ſo, yet if
he commanded, as hath byn ſaide, the thing to
be done, vvhile he had memory (as it may ap-
peare he did, both by the witneſſes that ſub-
ſcribed, and by the enrolement therof in the
chancery) no man can deny but that this vvas
the kings laſt wil, vwhich is enoughe for ſati-
ſying the parlamēts intention, as theſe men do
affirme.

A fourth argument is made against the king of Scots succession, by al the other competitors jointly, and it seemeth to them, to be an argument that hath no solution or reply, for that it is grounded vpon a playne fresh statute, made in the parliament holden in the 27. yeare (if I erre not) of her Maiesty that now is, vvhetherin is enacted & decreed, that whosoever shalbe conuinced to conspire, attempt, or procure, the death of the Queene, or to be priuy or accessarie to the same, shal loose al right, title, pretence, clayme or action, that the same parties or their heyres haue or may haue, to the crowne of Ingland. Vpon which statute, seing that afterward the lady Mary late Queene of Scotlād, mother of this king, was condemned and executed by the authority of the said parliament, it seemeth euident, vnto these men, that this king vwho pretendeth al his right to the crowne of Ingland by his said mother, can haue none at al.

And these are the reasons proofes & arguments, which divers men do allege against the right of succession, pretended by the king of Scots. But nowe if we leauue this pointe which concerneth the very right it self of his succession by blood, & wil come to examine other reasons and considerations of state, and those in particular vwhich before I haue mentioned that his fauourers do allege, for the vtility and common good that may be presumed will rise to the realine of Ingland by his admision to

The King
of Scots
excluded
by the
Statute of
Association.

Other rea-
sonings
against
the King
of Scots.

Sion to our crowne, as also the other point also
of establis hment of religiō by them mētioned;
then I say, these other mē that are against his en-
trance do produce many other reasons and con-
siderations also, of great inconueniences ; as to
them they seeme, against this pointe of his ad-
mission and their reasons are these that fol-
low.

First touching the publique good of the In-
glīsh common wealth, by the vnitig of both
realmes of Ingland & Scotland together, these
men do saye, that it is very doubtful and dispu-
table whether the state of Ingland shal receaue
good or harme therby, if the saide vniōn could
be brought to passe. First for that the state and
condition of Scotlād wel cōsidered, it seemeth,
that it can bring no other commodity to In-
gland, then increase of subiects , and those ra-
ther to participate the commodities and riches
of Ingland, then to impart any from Scotland.
And then secondly , the auersion and natural
alienation of that people, from the Inglish, and
their ancient inclination to ioyne with the
Frēch & Irish against vs, maketh it very proba-
ble, that that subiectio[n] of theirs to the crowne
of Ingland, vwould not loug indūre, as by ex-
perience we haue seene, since the tyme of king
Edward the first, vwhen after the death of their
king Alexander the third, without issue , they
chose king Edward to be their king, deliuered
their townes and fortresses into his hands , did
swear him fealty, receaued his deputy or vice-
roy

Ioyning
of Inglađ
and Scot-
land to-
gether.

roy (as Polidor at large declareth). And yet al
this serued afterward, to no other effect but
only slaughter, bloodshed, and infinit losses
and charges of Ingland.

Thirdly they saye, that if the king of Scots
should come to possesse the crowne of Inglađ,
he cannot choose (at least for many yeares) but
to stand in great ielousy of so many other com-
petitors of the English blood royal, as he shal
finde in Ingland, against whom he must needes
fortifie himselfe by those other forayne natiōs,
that may be presumed to be most sure vnto
him, though most contrary by natural inclina-
tion, & least tollerable in gouermēt to English
men, as are the Scots of whom he is borne, and Inconue-
dances vwith vvhom he is allyed, and French of niences
vvhom he is descended, and of the vnciuil part of brin-
of Ireland, vwith vvhom one great piece of his ging stra-
realme hath most coniunction, the authority & gers into
sway of which fower nations in Ingland, and
ouer English-men, vwhat trouble it may worke
euery vwise man may easely conjecture. Besi-
des that; the Scots-men themselues, (specially
those of the nobility) do openly professe, that
they desire not this coniunction and subordi-
nation vnto Ingland, which in no wise they
can beare, both for the auersion they haue, to
al English gouernment ouer them, as also for
that their liberties are far greater, as now they
liue, then in that case it would be suffred, their
king coming heerby to be of greater power to
A a force

Polydot.
lib. 17. in
vit. Ed-
vardi
primi.

120 A Conference touching succession
force them to the forme of Inglis̄h subiection,
as no doubt but in tym he would.

And seeing the greatest vtility that in this case
by reason and probability can be hoped for by
this vnion, is that the Scotish nation shoulde
come to be aduanced in Inglād, and to be made
of the nobility both temporal and spiritual, &
of the priuy councel, and of other lyke digni-
ties of credit and confidence (for otherwise no
vnion or an itie durable can be hoped for) and
considering that the king , both for his owne
safetie (as before hath bin said) as also for gra-
titude and loue to his owne nation , and allied
frends, must needs plant them about him, in
chiefe place of credit, vvhich are most opposite
to Inglis̄h natures, and by little & little through
occasion of emulations and of controveries,
that vvil fal out daylie betwixt such diuersity
of nations , he must needes secretlie begin to
fauour and fortifie his owne , as we reade

Polydot. that William Conqueror did his Normannes,
hist. Ang. and Canutus before him his Danes, to the in-
1.2. & 9. credible calamity of the Inglis̄h nation (though
otherwise neither of them vvas of themselves
either an euil king , or enimye to the Inglis̄h
blood (but drieū hereunto for their owne safetie)
and for that it vwas impossible to stand neutral
in such national contentions : if al this (I say)
fel out so then, as vve know it did, and our an-
cestors fel it to their extreme ruine, what other
effect can be hoped for now, by this violent
vnion

A considera-
tion of impor-
tance.

Vnion of nations, that are by nature so disunited and opposite, as are the Inglysh, Scotish, Irishe, Danishe, Frenche & other on them depending, vwhich by this meanes must needs be planted together in Ingland.

And if vve reade, that the vvhole realme of Spayne did refuse to admitt S. Lewis king of Spaine. ^{Example} France, to be their king in Spayne (to vvhom yet by law of succession it vvas evident, & confessed by the spaniards themselues, as their chronicler Garibay writeth, that the right most ^{120 c 42.} Garibay clearly dyd appertayne by his mother lady ^{An Dñi} Blanch eldest daughter and beyre of K. Alonso ^{1207.} the nynih) and that they dyd this only for that he vvas a Frenchman, and might therby bring the french to haue chiefe authority in Spayne: and if for this cause they did agree together, to giue the kingdome rather to Ferdinando the third that was sonne of Lady Berenguela, younger sister to the said lady Blanch, and if this determination vvas thought at that tyme to be vwise and prouident (though against al right of lineal succession) and if vve see that it had good successe, for that it indureth vnto this day: what shal vve say in this case (say these men) vvhile the king in question is not yet a S. Lewis, nor his title to Ingland so cleere, as that other vvas to spayne, and the auersion betwixt his nation and ours, much greater then vvas that betwixt the french and Spanish, thus they do reason.

Agayne we heard out of the discourse made by the Ciuilian before, how the states of Por- ^{Example out of Portugal}

Garibay
l. 34. c. 38.
An. Dñi
1383.

tugal after the death of their king Don Ferdinand
do the first of that name, vvhō left one only
daughter and heyre named lady Beattix mar-
ried vnto Iohn the first king of Castile, to whō
the succession of Portugal vwithout al contro-
versie did apertaine, they rather determyned to
choose for their king a bastard brother, of the
sayd Don Fernando, named Iohn, then to admitt
the true inheretor Beatrix vwith the gouernment
of the Castilians, by vvhom yet (they being
much the richer people) the Portugals might
hope to reapre far greater vtility then Inglysh
men can do by Scotland, consideringe it is
the poorer country and nation. And this is that
in effect which these men do answeire in this
behalfe, noting also by the way, that the Ro-
mas themselues vwith al their power, could ne-
uer bring vnion or peace betweene these two
nations of Ingland & Scotland, nor hold the
Scots and North-Irish in obedience of any
authority residing in Ingland, and so in the end

Story. pa. they vvere enforced to cut them of, & to make
54. 59. 95. 76. that famous walle begun by Adrian, and pur-
sued by other Emperours to diuide them from
Inglād, and barre them from ioyning, as al the
vworld knoweth, and much leſſe ſhal any one
king liuing in Ingland now, hold them al in
obedience, let him be of vvhat nation, he vvil,
and this for the vtility that may be hoped by
this vnion.

But now for the other pointe alleaged by
the faourers of Scotland, about establis hmet
of truce

of true religion, in Ingland, by entrance of this
 king of Scots, these other me do hold that this
 is the vvoorst and most dangerous pointe of al of the
 other, considering vwhat the state of religion is ^{religion}
 in Scotland at this day, and how different or ra-^{of Scot-}
 ther opposite to that forme which in Ingland
 is mainteyned, and vwhen the Archbishes, bishopes,
 deanes archdeacons, and other such
 of ecclesiastical and honorable dignities of Ing-
 land, shal consider that no such dignity or
 promotion is left now standing in Scotland, no
 nor any cathedral or collegiate church is re-
 mayned on foote, vwith the rents and digni-
 ties therunto apperteyning, and vwhen our no-
 bilitye shal remember how the nobilitie of
 Scotland is subiect at this day to a few ordi-
 nary and common ministers, vwithout any
 head, vwho in their synodes and assemblies
 haue authority to put to the horne, and drieve
 out of the realme any noble man vwhatsoeuer,
 vwithout remedy or redresse, except he vvit
 yeald and humble himselfe to them, and that
 the king himselfe standeth in avve of this
 exorbitant and populer povver of his min-
 isters, and is content to yeld therunto: it is to
 be thought (say these men) that few Inglysh
 be they of vwhat religion or opinion so-euer,
 vil shevv themselues forvward to receaue
 such a King, in respect of his religion, that
 bath no better order in his ovne at home,
 and thus much concerning the King of Scot-
 land.

Of the
title of
lady Ar-
bella.

Now then it remayneth, that we come to treat of the lady Arbella, second branch of the house of Scotlād, touching whose title, though much of that vvhich bath bin said before, for or against the king of Scotland, may also be vnderstoode to apparteynē vnto her, for that she is of the same house, yet shal I in this place repeat in few wordes the principal points that are alleaged in her behalfe or preiudice.

1. First of al then, is alleaged for her, and by her fauourers, that she is descended of the foresaid lady Margaret, eldest daughter of king Henry the seuenth, by her second marriage vwith Archibald Duglas earle of Anguys, and that she is in the third degree only from her, for that she is the daughter of Charles Stewart vwho was sonne to Margaret Countesse of Lenox, daughter to the said lady Margaret Queene of Scots, so as this lady Arbella is but neece once remoued, vnto the said Queene Margaret, to vvit inequal degree of discent vwith the king of Scots, vvhich king being excluded (as the fauorers of this vvoman do affirme) by the causes and arguments before alleaged against hym, no reason (say they) but that this lady should enter in his place, as next in blood vnto him.

An In-
glis-
h
vvoman.

2. Secondly is alleaged in her behalfe, that she as an Inglysh vvoman, borne in Ingland, and of parents vwho at the tyme of her bitth vvere of Inglysh allegiance, vherin she goeth before the king of Scots, as hath bin seene, as also in this other principal pointe, that by her admission,

mission no such inconuenience can be feared of bringing in strangers, or causing troubles & sedition vwith-in the realme, as in the pretence of the Scottish king hath bin considered, and this in effect is al that I haue heard alleaged for her.

But against her, by other competitors and their frendes, I haue hard diuers arguments of no smale portance and consideration produced, vvhерof the first is, that vvhich before hath bin alleaged against the king of Scotlād in like maner, to wit, that neither of them is properly of the house of Lancaster, as in the genealogie set downe in the third chapter hath appeared. And secondly that the title of Lācaster is before the pretence of Yorke, as hath bin proued in the fourth chapter, wherof is inferred, that neythere the king of Scots nor Arbella, are next in successiō, and for that of these two propositiōs, ther hath bin much treated before, I remitte me therunto, only promising that of the first of the tvvo, vvhich is how king Henry the sevēth vvas of the house of Lancaster, touching right of succession, I shal handle more particularly afterward vvhén I come to speake of the house of Portugal, vvhery also shal appeare playnly vhat pretence of succession to the crowne or duchy of Lancaster the discendentes of the said king Henry can instely make.

The second impediment, against the lady Arbella is the aforesaid testament of king Henry the eight and the two acts of parlaments for

^{Against}
Arbella.

^{1.}
Not of
the house
of Lan-
caster.

^{2.}
The testa-
ment of
king Hē-
ry.

authorising of the same, by al vwhich is pretended that the house of Suffolke, is preferred before this other of Scotland.

The countesse of
darby
neerer by
a degree.

A third argument is, for that there is yet living one of the house of Suffolk, that is nearer by a degree to the stemme, to vvit, to Héry the seventh to vvhom after the disease of her Maiesty that now is, we must returne, then is the lady Arbella or the king of Scots, and this is the lady Margeret countesse of Darby, mother to the present earle of Darby vwho was daughter to lady Elenor, daughter of Queene Mary of France, that vvas second daughter of king Henry the sevēth, so as this lady Margaret countesse of Darby, is but in the third degree from the said Henry, wheras both the king of Scotland and Arbella are in the fourth, and consequently she is next in propinquitie of blood, & how greatly this propinquity hath bin fauoured in such cases, though they vvere of the yōger liine, the examples before alleged in the fourth chapter do make manifest.

Illegiti-
mation
by bastar-
dye.

Fourthlie and lastely, and most strongly of al, they do argue against the title of this lady Arbella, affirming that her descent is not free from bastardly, vwhich they prove first, for that Queene Margaret soone after the death of her first husband king Iames the fourth marryed secretly one Steward lord of Annerdale, which Steward, vvas alyue longe after her marriage vwith Duglas, and consequently this second marriage vwith Duglas (Steward being aliue) could

could not be lawful, vvhich they do proue also by another meane, for that they saie it is most certaine, and to be made euident, that the said Archibald Duglas earle of Anguis had an other vvife also aliue, vvhén he married the said Queene, vvhich points they say vvere so publique as they came to king Henries eares, vvhervpon, he sent into Scotland the lord William Howard, brother to the old duke of Norfolke, and father to the present lord Admiral of Ingland, to enquire of these pointes, and the said lord Howard founde them to be true, and so he reported not only to the king, but also aftervvards many tymes to others, and namely to Queene Mary to vvhom he vvas lord Chamberlayne, and to diuers others, of vvhom many be yet liuing, which can and will testify the same, vppon the relation they heard from the-sayd lord Williams owne mouthe, vvhetherupon king Henry vvas greatly offendēd, and would haue letted the marriage betweene his said sister and Duglas, but that they were married in secret, and had consummate their marriage, before this was knowne, or that the thing could be preuented, vvhich is thought, vvas one especial cause and motiue also to the said king afterward, to put back the issue of his said sister of Scotland, as by his fornamed testament is pretended, and this touching Arbellas title by propinquirie of byrthe.

But besides this, the same men do allege di-
vers reasons also of inconuenience in respect
Other
reasons of
state
against
Arbeila.

of the common vvealthe, for vwhich in their
opinions it shoulde hurtful to the realme to
admitte this lady Arbella for Queene, as first of
al for that she is a vvoman, vwho ought not to
be preferred, before so many men as at this
tyme do or may stand for the crowne: and that
it vvere much to haue three women to reigne
in Ingland one after the other, vwher-as in the
space of a-boue a thousand yeares before them,
there hath not reigned so many of that sexe, ne-
ther together nor aunder, for that from king
Cerdick first king of the west Saxons, vnto
Egbright the first monarch of the English na-
me and nation, conteyning the space of more
then 300. yeares, no one vvoma at al is founde
to haue reigned, and from Egbright to the
Conquest, which is almost other 300. yeares,
the like is to be obserued, and from the con-
quest downeward, vwhich is aboue 500. yeares,
one only vvoman was admitted for inheritrix,
vwhich was Maude the Empresse, daughter of
king Henry the first, vwho yet after her fathers
death vvas put back, and king Stephen vvas
admitted in her place, and she never receaued
by the realme, vntil her sonne Henry the se-
cond vvas of age to gouerne himselfe, & then
he vvas receaued vwith expresse condition, that
he shoulde be crowned, and gouerne by him-
selfe, and not his mother, which very conditiō
vvas put also by the spaniards not long after, at
their admitting of the lady Berenguela yonger
sister of lady Blaunch neele to king Henry the se-
cond,

Gouer-
ment if
vvomen.

Polyd. L. 1. 12

cond, vvhetherof before often mention hath bin made, to vvit the condition vvas, that her sonne Fernado shoulde gouerne, and not she, though his title came by her, so as this circumstance of being a woman, hath euer bin of much consideration, especially where men do pretend also as in our case they doe.

An other consideratiō of these men is, that if this lady, should be aduanced vnto the crowne, Garibay
li. 12. c. 42
though she be of noble blood by her fathers side, yet in respect of alliance with the nobility of Ingland she is a meere stranger, for that her kyndred is only in Scotland, and in Inglād she hath only the Candishes by her mothers side, vwho being but a meane familie, might cause much grudging amōg the English nobility, to see them so greatly aduanced aboue the rest, as necessarily they must be, yf this womā of their linage shoulde come to be Queene, vwhich how the nobility of Ingland vvould beare, is hard to say, and this is as much as I haue heard others saye of this matter, and of al the house of Scotland: vvhelore vwith this I shal end, and passe ouer to treat also of the other houses that do remayne of such as before I named.

OF THE

OF THE HOVSE OF
SVFFOLK CONTEYNING THE
CLAYMES OF THE COVNTESSE OF
*Darby and her children, as also of the children
of the earle of Hartford.*

C A P . VI.

IT hath appeared by the genealogie set downe before in the third chapter, and oftentimes mentioned since, how that the house of Suffolk is so called, for that the lady Mary secōd daughter of king Henry the seventh, being first married to Lewis the 12. king of France, vvas afterward married to Charles Brandon duke of Suffolke, who being sent ouer to condole the death of the said king, gat the good will to marry the widow Queene, though the common fame of al men vvas; that the said Charles had a vwife lyuing at that day, and diuers yeares after, as in this chapter vve shal examine more in particular.

The issue of Charles Brandon. By this Charles Brandon then duke of Suffolk, this Queene Mary of France had tvvo daughters, firsit the lady Francis, married to Syr Henry Gray marques Dorset, and aftervvard in the right of his vwife, duke also of Suffolke, vvhio vvas afterward be-hedded by Queene Mary, and secondly lady Elenor married to Syr Henry Clifford earle of Cumberland.

Issue of lady Francis.

The lady Francis elder daughter of the Queene and of Charles Brandon, had issue by her

her husband the said last duke of Suffolke, three daughters, to wit, Iane, Catherin, and Mary, which Mary the yongest vvas betrothed first to Arthur lord Gray of Wilton, and after left by hym, she was marryed to one M. Martin keyes of kent, gentlemā porter of the Queenes housshilde, and after she dyed without issue.

And the lady Iane the eldest of the three sisters was married at the same tyme to the lord Guylford Dudley, fourth sonne to Syr John Dudley duke of Northumberland, and vvas proclaymed Queene after the death of king Edward, for which acte al three of thē, to wit, both the father, sonne and daughter in law, were put to death soone after.

But the L. Catherin the second daughter, The issue
of the L.
Catherin. vvas married first vpon the same day that the other two her sisters vvere, vnto lord Henry Herbert now earle of Penbroke, and vpon the fal and misery of her house, she was left by him, and so she liued a sole vvoman for diuers yeares, vntil in the begining of this Queenes dayes, she was found to be vvith child, which she affirmed to be by the lord Edward Seymer earle of Hartford, vwho at that tyme was in France, vvith Syr Nicholas Throgmorton the Embassador, and had purpose and licence to haue traualied into Italie; but being called home in haste vppō this new accident, he cōfes- sed that the child vvas his, and both he and the lady affirmed that they were man and vvife, but for that they could not proue it by witnessses, & for

for attempting such a match with one of the blood royal, without priuity and licence of the prince, they were committed both of them to the tower, vvhile they procured meanes to meete againe afterward, & had an other childe, vvhich both children do yet liue, and the elder of them is called lord Henry Beacham, and the other Edward Seymer, the mother of whom liued not long after, nether married the earle againe, vntil of late that he married the lady Francis Howard, sister to the lady Sheffield, and this is all the issue of the elder daughter of Charles Brandon, by lady Mary Queene of France.

The issue
of L. Ele-
anor.

The second daughter of duke Charles and the Queene, named L. Elenor, vvas married to "Henry lord Cliford earle of Cumberland, and had by him a daughter named Margaret, that married Syr Héry Stanley, lord Stráge & after earle of Darb", by vvhom the said lady (who yet liueth) hath had issue *Fernande Stanley*, now earle of Darby, William and Francis Stanley, & this is the issue of the house of Suffolk, to vvit; this Countesse of Darby, with her children, and these other of the earle of Hartford, of al whose claymes and titles vwith their impediments, I shal here briefly giue accompt and reason.

First of al, both of these families do ioyne together in this one pointe, to exclude the house of Scotland both by foraine birth, and by the foresaid testament of king Henry authorized by two parlaments, & by the other exclusions which

which in each of the titles of the king of Scots
and of lady Aribella hath bin before alleaged.
But then secondly they come to vary betweene
themselves, about the priority or propinquitie
of their owne succession, for the children of the
earle of Hartford, and their frendes do alleage,
that they do descend of lady Francis the elder
sister of lady Elenor, and so by law and reason
are to be preferred, but the other house allea-
geth against this, two impediments, the one,
that the lady Margaret countesse of Darby now
lyuing, is neeret by one degree to the stemme,
that is to king Henry the seuenth, then are the
children of the earle of Hartford, and conse-
quently according to that which in the former
fourth chapter hath bin declared, she is to be
preferred, albeit the children of the said earle
vvere legitimate.

Allega-
tions of
the hou-
ses of
Darby &
hartford
the one
against
the other.

Charles
Brandon
had a
wyfe a
lyue.

Secondly they do affirme, that the said chil- First ba-
dren of the earle of Hartford by the lady Ca-
stardie
therin Gray, many waies are illegitimate. First
against
for that the said lady Catherin Giay their mo-
the issue
ther was lawfully married before to the earle of
of hart-
Penbrok now liuing, as hath bin touched, and
ford.

publike recordes do testifie, and not lawfully
seperated nor by lawful authority, nor for iust
causes, but only for temporal and wordly re-
spect, for that the house of Suffolk was come
into misery & disgrace, vwherby she remayned
storr in
vita Ed-
ward.
An. 1553.

into misery & disgrace, vwherby she remayned
storr in
vita Ed-
ward.
An. 1553.

still his true wifc in deede and before God, & so
could haue no lawful children by an other
whiles he liued as yet he doth.

2. Bastar-
die.

Agayne they prove the illegitimatō of these children of the earle of Hertford, for that it could neuer be lawfully proued that the said earle and the lady Catherin were married; but only by their owne assertions, vvhich in law is not holden sufficient, for which occasion the said pretended mariage vvas disanulled in the court of arches, by publique & definitiue sentence, of Doctor Parker archbishop of Canterbury, and prymate of Ingland; not long after the birth of the said children.

3. Bastar-
die.

Further more they do add yet an other bastardy also, in the birth of lady Catherin her selfe, for that her father lord Henry Gray marques of Docset, was knowne to haue a lawful wife aliue vwhen he married the lady Francis, daughter and heyre of the Queene of France, & of Charles Brandon duke of Suffolke, and mother of this lady Catherin, for obteyning of which great marriage, the said marques, put away his foresaid lawful vwife, vvhich was sister to the L. Henty Fytzallen earle of Arondel, vvhich disorder was occasion of much vnkindnes and hatred betweene the said marques and earle euer after. But the power of the marques and fauour vwith king Henry in womens matters, vvas so great at that tyme, as the earle could haue no remedie, but only that his said sister vwho liued many yeares after, had an annuitye out of the said marques lands during her life, & liued some yeares after the said marques

(afte-

(afterwards made duke) was put to death in
Queene Maries tyme.

These then are three waies, by vwhich the family of Darby do argue the issue of Hartford to be illegitimate, but the other two houses of Scotland and Clarence, do vrge a former ba-
stardy also that is common to them both, to wit, both against the lady Francis and the lady Eleanor, for that the lord Charles Brandon also duke of Suffolk had a wife a liue, as before hath bin signified, when he married the lady Mary Queene of France, by vwhich former wife he had issue the lady Powysse (I meane the vwife of my lord Powysse of Poystlandes in VVales) & how long after the new marriage of her husband Charles Brandon, this former vwife did liue, I cannot set downe distinctly, though I think it were not hard to take particular information therof in Ingland, by the register of the church wherin she vvas buried, but the frēdes of the countesse of Darby do affirme, that she died before the birth of L. Eleanor the second daughter, though after the birthe of lady Francis, and thereby they do seeke to cleare the familie of Darby of this bastardye, and to lay al fourte vpon the chiliden of Hartford before mentioned, but this is easy to be knowne & verified by the meanes before signified.

But now the frendes of Hartford do answe-
re to al these bastardies, that for the first two pre-
tended by the marriages of the two dukes of Suffolk, they saye that either the causes might
The an-
svvere of
those of
hartford
to the fo-
resaid ba-
stardies:

be such, as their deuorces with their former wiues migh be lawful, and proue them no mariages, and so give them place to marrie againe, or els that the said former wiues dyd dye before these dukes that had bin their husbands, so as by a post-contract and second new consent, giuen betweene the parties vwhen they vvere now free, the said later mariages vwhich vvere not good at the begining, might come to be lawful aftervwards, according as the law permitteth, notwithstanding that children begotten in suche preterded mariages where one partie is alredy bounde, are not made legitimat, by subsequent true marriage of their parentes, & this for the first two bastardies.

But as for the third illegitimation, of the contract betweene the lady Catherin and the earle of Hartford, by reason of a precontract made betweene the said lady Catherin and the earle of Penbroke, that now liueth, they saye and affirme, that precontract to haue bin dissolved afterward lawfully and iudicially, in the tyme of Queene Mary.

There remayneth then only the fourth obiection, about the secret marriage made betweene the said lady Catherin and the earle of Hartford, before the birth of their eldest sonne, now called L. Beacham, vvhich to say the truth seemeth the hardest pointe to be answered, for albeit in the sight of God, that marriage might be good and lawful, if before their carnal knowledge, they gaue mutual consent the one to the

Of the
marriage
betweeen.
the earle
of hart-
ford and
the L.Ca-
therin
Gray.

to the other, to be man and vwife, and vwith
 that mynde and intention had carnal copula-
 tion, vwhich thing is also allowed by the late
 councel of Trent it selfe, which disanulleth Concil.
 otherwise al clandestine and secret contracts in Trid.
 such states and countries, vher the authoritie Sels. 24.
 cap. 1. of the said countel is receaued , and admitted,
 yet to iustifie these kide of marriages in the face
 of the church, and to make the issue therof le-
 gitimate and inheritable to estates and posses-
 sions: it is necessary by al law, and in al nations,
 that there shoule be some vvitnes to testifie this
 consent and contract of the parties before their
 carnal knowledge, for that otherwise it shoule
 lye in euery particuler mans hand, to legitimate
 any bastard of his, by his only woord, to the pre-
 iudice of others that might in equitie of suc-
 cession pretend to be his heyres , and therfore
 (no doubt) but that the Archbisshop of Can-
 terbury had great reason to pronounce this
 contract of the lady Catherin , and the earle of
 Hartford to be insufficient and vnlawful,
 though themselues did affirme that they had
 giuen mutual consent before, of being man &
 vwife, and that they came together, *animo mari-*
tali, as the law of wedlock requireth, but yet
 for that they were not able to proue their said
 former consent, by lawful vvitnesses, their
 saide coniunction was rightly pronounced vnlawful,
 and so I conclude that the first sonne
 of these tvwo parties, might be legitimate be-
 fore God, and yet illegitimate before men, and

consequently incapable of al such succession,
as otherwise he might pretend by his said mo-
ther.

Hovv the second sonne of the earle of hart-
ford may be legiti-
mate. And this now is for the first begotten of
these two persons, for as touching the second
childe, begotten in the tower of London, di-
uers learned men are of opinion that he may
be freed of this bastardy, for that both the earle
and the lady being examined vpon their first
child, did confess and affirme that they vvere
man and wife, and that they had meaning so
to be, and to continew, vvhich confession is
thought to be sufficient, both for ratifying of
their old cōtract, and also for making of a new
yf the other had not bin made before. And
seeing that in the other former pretended con-
tract and marriage, their wanted nothing for
justifying the same before men, and for making
it good in law, but only external testimony of
witnesses, for prouing that they gave such mu-
tual consent of myndes before their carnal
knowledge (for the presence of priest or mi-
nister is not absolutly necessary) no man can
say that their wanted witnesses for testifying of
this consent, before the second copulation, by
vvhich vvas begotten their second sonne, for
that both the Queene herselfe and her coun-
cel, and as many besides as examined these par-
ties vpon their first acte and child birth, are
vvitnesses vnto them, that they gaue their ful
consents and approbations, to be man & vvife,
vvhich they ratified afterward in the tower by
the

the begetting of their second child, and so for the reasons afore-said, he must needes seeme to be legitimate, vwhatsoeuer my lord of Canterbury for that tyme or in respect of the great offence, taken by the estate against that act, did, or might determyne to the contrary.

And this is the somme of that which commonly is treated, about these two families of the house of Suffolk, to wit of Hartford and Darby, both vwhich families of Suffolke, the other two opposite houses of Scotland and Clarence, do seeke to exclude by the first bastardy, or vnlawful contract betweene the Queene of France and duke Charles Brandon, as hath bin seene: of which bastardye the house of Darby doth indeuour to auoide it selfe, in manner as before hath bin declared, and preferreth it selfe in degree of propinquity not only before the foresaid two houses of Scotland and Clarence, but also before this other part of the house of Suffolke, I meane the familie of Hartford, though descended of the elder daughter, for that the countesse of Darby doth hold her selfe one degree neerer in descent, then are the other pretenders of Hartford as hath bin shewed. And albeit their vvant not many obiections and reasons of some, against this pretence of the house of Darby, besides that which I haue touched before, yet for that they are for the most part personal impediments, and do not touch the right or substance of the title, or any other important

Allegations of
the house
of Darby.

tant reason of state concerning the common
vvealth; but only the mislike of the persons
that pretende, and of their life and gouernment,
I shal omitt them in this place, for that as in
the begining I promised, so shal I obserue as
much as lieth in me, to vtter nothing in this
conference of ours that may iustly offend, and
much lesse touch the honor or reputation of
any one person of the blood royal of our re-
alme, vwhen the tyme of admitting or exclu-
ding cometh, then vvil the realme consider as
vvel of their persons as of their rightes, and vvil
see, vwhat accompt and satisfaction ech person
hath giuen of his former life and doings, and
according to that vvil proceede, as is to be
supposed: but to me in this place, it shalbe
enough to treat of the first pointe, vwhich is of
the right and interest pretended by vway offuc-
cession, and so vvith this I shal make an ende
of these families, and passe ouer to others
that yet do remayne.

OF THE

OF THE HOVSES OF
CLARENCE AND BRITANIE,
WHICH CONTEYNETH THE CLAYMES OR
*the earle of Huntington, with the Poolers, as also
of the lady Infanta of Spayne, and others
of those families.*

CAP. VII.

HAVING declared the claymes, rightes
and pretences, which the two noble hou-
ses of Scotland and Suffolke, descended of the
twayne daughters of king Héry the seuenth, haue
or may haue to the succession of Ingland, with
intention afterward to handle the house of
Portugal a part, vwhich pretendeth to compre-
hend in it selfe the whole body, or at least the
first and principal branch of the ancient house
of Lancaster, it shal not be amisse, perhaps by
the way, to treate in this one chapter, so much
as appartayneth to the twayne seuerall houses of
Clarence and Britanie, for that there is lesse to
be said about them then of the other.

And first of al, I am of opinion, that the earle
of Huntington, and such other pretendors as
are of the house of Yorke alone, before the con-
junction of both houses by king Henry the
seuenth, may be named to be of the house of
Clarence and so for distinction sake, I do name
them, for not to confound them vwith the hou-
ses of Scotland and Suffolke, which are termed
also by the Lancastrians to be of the houfe of

VVhy the
earle of
Hunting-
ton's house
is said to
be of the
house of
Clarence.

Yorke alone, for that they deny them to be of
 the true house of Lancaster, but principally I do
 name them to be of the house of Clarence, for
 that in deed al their clayme and title to the
 crowne, doth discende from George duke of
 Clarence, as before in the third chapter and
 other vwhere hath bin declared, which duke
 George being brother to king Edward the
 fourth, and put to death by his order, left issue
 Edward earle of Warwick and of Salisbury,
 vvhich vvas put to death by king Henry the
 seuenth in his youth, and Margaret countesse
 of Salisbury, which Margaret had issue by Syr
 Richard Poole, Henry Poole lord Montague,
 afterward behedded, and he agayne Catherin,
 married to Syr Francis Hastings earle of Hun-
 tington, by whom she had Sir Henry Hastings,
 now earle of Huntington, Syr George Hastings
 his brother yet liuinge, & others, so as the earle
 of Huntington vwith his said bretheren be in
 the fourth degree from the said George duke of
 Clarence, to wit his nephewes twice remo-
 ued.

Issue of
the house
of Cla-
rence.

Issue of
S. Geffrey
Poole.

The saide Margaret countesse of Salisbury
 had a yonger sonne also, named Syr Geffrey
 Poole, vvhho had issue an other Geffrey, and this
 Geffrey hath two sonnes that liue at this day in
 Italie, named Arthur and Geffrey, vvhoo be in
 the same degree of distance, with the saide earle
 of Huntington, sauing that some alleage for
 them, that they do discende al by male kinde
 from Margaret, and the earle pretendeth by
 a Woman,

a Woman, vvhероf vve shal speake after-
ward.

Hereby then it is made manifest, how the earle of Huntingtō commeth to preteud to the crowne of Ingland, by the house of York only, vvhich is no other in deede, but by the debarring and disabling of al other former pretēdors, The intē-
ce of the
earle of
Hunting-
ton. not only of Portugal, and of Britanie, as stran-
gers, but also of the houses of Scotland & Suf-
folke, that hold likewise of the house of Yorke,
and that for the reasons and argumēts vvhich
in the former two chapters I haue set downe in
particular, against euery one of them, and shal
here-after also againe those that remaine,
vvhich arguments and obiections, or any of
them, if they shoulde not be founde sufficient,
to exclude the said other houses, then is the
clayme of this house of Huntington therby
made voide, for that it is (as vve see) by the yon-
ger childe of the house of Yorke, that is to saye,
by the second brother: so as if either the pre-
tēnce of Lancaster in general be better thē that
of Yorke, or if in the house of Yorke it selfe,
any of the fornamed pretenders descended fiō
K. Edward the fourth as of the elder brother,
may hold or take place, then holdeth not this
title of Clarence, for that (as I haue said) it cō-
ming from the yonger brother, must needes be
grounded only, or principally vppō the barring
and excluding of the rest, that ioyntly do pre-
tēd: of which barres and exclusions laid by this
house of Clarence against the rest, for that I

144 *A Conference touching succession*
haue spoken sufficiētly in the last two chapters,
going before, for so much as toucheth the two
houses of Scotland and Suffolk, and shal do af-
terwards about the other two of Britanie and
Portugal, I meane in this place to omit to say
any more therin, & only to consider vwhat the
other competitors do allege against this house
of Clarence, and especially agaynst the pre-
tence of the earle of Huntington, as chiefe tit-
ler therof, for to the excluding of him, do con-
curr not only those other of opposite houses,
but also the Pooles of his owne house, as now
vve shall see.

First then, the contrary houses do allege ge-
nerally against al this house of Clarence, that
seing their clayme is founded only vpon the
right of the daughter of George duke of Cla-
rence, second brother to K. Edward the fourth,
evident it is, that so long as any lawful issue re-
mayneth of any elder daughter, of the said king
Edward the elder brother (as they say much
doth and cannot be denyed) no clayme or pre-
tence of the yonger brothers daughter, can be
admitted, and so by standing vpon this, and
answering to the obiections alleged before,
against the elder houses, they hold this matter
for very cleere, and al pretence of this house of
Clarence vtterly excluded.

2.
Attainders in the house of Huntington.
Secondly the same opposite houses do al-
lege diuers attainerds against the principal
heades of the house of Clarence, vwherby their
vhole interests vvere cut of, as namely it is to
be she-

be shewed in three discents, the one after the other, to vvit in duke George himselfe, the first head & beginner of this house, that was attainted and executed, and then in the lady Margaret his daughter and heyre, countesse of Salisbury, and in like manner attaynted and executed: thirdly in her sonne and heyre Henry Poole lord Monrague put also to death, from vvhose daughters both the earle of Huntington & his brethren, vwith the children of Syr Thomas Barrington do descende, and albeit some may say, that the said house of Clarence hath bin since those attainders, restored in blood, yet reply these men, that except it can be shewed that particular mention was made of reabilitating the same to this pretence of succession to the crowne, it vvil not be sufficient, as in like manner they affirme, that the same restoring in blood (if any such were) hath not bin sufficiēt to recouer the ancient landes and titles of hono-
Restitu-
tion may
be in
blood
vwithout
restitutio-
of digni-
tie.

nor, which this house of Clarence had before these attainders, for that they were forfeited therby to the crowne, and so say these men was their forfeited therby in like maner vnto the next in blood not attainted, this prerogatiue of succeeding to the crowne, and cannot be restored againe by any general restauration in blood, except special mention be made therof, euē as vve see, that many houses attainted are restored daylie in blood, without restoremēt of their titles and dignities, and a present example we haue in the earle of Arundel restored in
blood

blood but not to the title of duke of Norfolk, and this saye the opposite houses against this house of Clarence.

The pre-
tence of
the Poole's
against
Hunting-
ton.

But now thirdly entreth in also against the earle of Huntington, the opposition of some of his owne house, vvhich is of the issue of Syr Geffrey Poole, brother to his grād father, vwho say, that vwhen the lord Henry Montague vvas put to death vwith his mother the countesse of Salisbury, and therby both their pretences and titles cut of in them, then fel al such right as they had or might haue, vppō the said Sir Geffrey Poole, and not vpon his neece the lady Catherin daughter of the lord Henry his elder brother, and mother of the earle of Huntingtō, and this for three causes. First for that he was not attainted, and so vwhether we respect his grand-father duke George of Clarence, or his great grand father duke Richard of York, the saide right in this respect discended to him, and secondly for that he vvas a degree nearer to the said dukes his ancestors, then vwas at that tyme his neece Catherine, vvhich right of necest propinquitie, say these men, is made good & lawful by al the reasons, examples, presidēts, and authorities alleaged before in the fourth chapter of this conference, in fauour of vncles before their nephewes, and it shal not neede that vve speake any thing more of that matter in this place, but only to remit your remembrance to that vwhich herein hath bin said before.

Fourthly they proue the same in fauour of Syr Geffrey, for that the lady Catherin vvas a vvoman, and Syr Geffrey a man, vvhose priuilege is so great in a matter of succession (as also hath bin touched before) that albeit they had bin in equal degree, and that Syr Greffrey were not a degree before her as he vvas, yet seing neither of thē nor their fathers vvere euer in possessiō of the thing pretended, Sir Geffrey shoulde be preferred, as hath bin shewed before by some presidents, and shalbe seene afterward in the case of Portugal, wherin the king of Spaine that now is vvas preferred to the crowne, for that respect only that his competitors vvere vvomen, and in equal degree of discent vwith him; and he a man. And the very like allegation of propinquitie, I haue hard produced for the lady Wenefred vvife of Syr Thomas Barrington (if she be yet a-live) to wit, that's he is before the earle of Huntington and his brethrē, by this reason of propinquitie in bloode, for that she is one degree neerer, to the stock then they.

Fiftly and lastely, both these and other cō- Obiectiō
petitors do allege against the earle of Hūting- of Reli-
ton as an important and sufficient barr against gion.
his pretence, the qualitie of his religion, vvhich is (as they say) that he hath bin euer knowne to fauour those which commonly in Ingland are called Puritanes, and not faoured by the state, but yet this stoppe is alleaged diuersly by competitors of diuers religions: for that such as are followers

followers and faouores of the forme of religion receaued and defended by publique authoritie of Ingland at this daye, vvhom for distinction sake, men are vvont to call by the name of *moderate protestants*, these (I saye) do vrge this exclusion against the earle of Huntington, not vppō any certaine law or statute, extant against the same, but *ab æquo & bono*, as men are vvont to say, and by reason of state, shewing infinite inconueniences hurts damages and dangers, that must needs ensew, not only to the state present of religion in Inglatēd, but also to the whole realme and body politike, if such a man should be admitted to gouerne. And this consideration of state in their opinion is a more forceable argument for excluding such a man, then any statute or particular law against him could be, for that this comprehendeth the very intention, meaning, and drift of al lawes and lawmakers of our realme, vvhose intēsions must needs be presumed to haue bin in al tymes, to haue excluded so great and manifest incoueniences, & thus say they.

But now, those that are of the Roman religion, and contrary both to puritan and protestant do vrge a great deale further this argument, against the earle, and do alleage many lawes, ordinances, decrees, and statutes both of the Canon and imperial lawes, as also out of the old lawes of Ingland, vvhich in their opinion, do debarr al that are not of their religion, and consequently, they would hereby exclude both

both the one and the other of these pretenders. And in fine they do conclude, that seing their wanteth not also some of their owne religion (called by them the Catholique) in the house of Clarence, they haue so much the lesse difficultie to exclude the earle of Huntingtons person for his religion, if one of that house were to be admitted of necessitie.

And this is so much as seemeth needful to be spoken at this tyme and in this place, of this house of Clarēce, and of the pretenders therof. It resteth then that I treate something also of the house of Britanie and France, which ^{The} house of Britanie. two houses are ioyned al in one, for so much as may apperteyne to any inheritance or pretence to Ingland, or vnto any parcel or particular state therof, at home or abroade, that may follow the succession or right of women, vwhich the kingdome of Frāce in it self doth not, as is knowne, and consequently a vwoman may be heire to the one vwithout the other, that is to say, she maye be heire to some particular states of France inheritable by women, though not to the crowne it selfe, and so do pretende to be the two daughters of Frāce, that were sisters to the late king Héry the third, which daughters were married, the one to the king of Spaine that now is, by whom he had issue, the Infanta of spayne yet vnmarried, and heryonger sister married to the duke of Sauoy, and the other to vvit the yonger daughter of the king of France, vwas married to the duke of Loraine, yet liuing, by vwhom

whom she had the prince of Lorayne, & other children that liue at this day.

This then being so cleere as it is, first, that according to the common course of succession in Ingland, and other countries, and according to the course of all common law, the Infanta of Spaine, shoulde inherite the whole kingdome of France, and al other states therunto belonging, she being the daughter and heyre of the eldest daughter of king Henry the second king of France, whose issue male of the direct line, is vvholy now ended, but yet for that the French, do pretend their law Salik to exclude vwomen, (which we English haue euer denied to be good vntil now) hereby commeth it to passe, that the king of Nauarr pretendeth to entier, & to be preferred before the said Infanta or her sisters children, though male, by a collateral line. But yet her faourers say, I meane those of the Infanta, that from the dukedomes of Britanie, Aquitaine, and the like, that came to the crowne of France by women, and are inherita ble by womē, she cannot be in right debarred, as neyther from any succession or pretence in Ingland, if either by the blood royal of France, Britanie, Aquitaine or of Ingland it selfe, it may be proued that she hath any interest therunto, as her said faourers do affirme that she hath, by these reasons following.

First pre-
tence of
the Infan-
ta to In-
gland.

First, for that she is of the ancient blood royal of Ingland, even from the conquest, by the elder daughter of William the conqueror married

married to Allayne Fergant duke of Britanie, as hath bin shewed before in the second chapter, and other places of this conference, and of this pointe they inferr two or three consequences. First that vwhen the sonnes of the Conqueror vvere dead without issue or made vncapable of the crowne (as it vvas presumed at least wise of king Henry the first, last sonne of the Conqueror, that he lost his right for the violence vsed to his elder brother Robert, and vnto William the said Roberts sonne & heyre) then say these men, ought the said duchesse of Britanie to haue entred as eldest sister. And secondly they saye that when duke Robert that both by right of birth and by expresse agreement with William Rufus, and with the Realme of Ingland, should haue succeeded next after the said Rufus, came to dye in prison, the said lady Constance should haue succeeded him, for that his brother Henry being culpable of his death, could not in right be his heyre. And thirdly they say that at least vwise after the death of the said king Henry the first, she and her sonne I meane lady Constance and Conan duke of Britanie, should haue entred before king Stephen, vwho was borne of Adela the yonger daughter, of William Conqueror.

Polydot.
in vita
Guliel.
Rufi.

Secondly they do alleage, that the Infanta of Spayne descédeth also lineally from lady Elea-
nor eldest daughter of king Henry the second, married to king Alonso the nynthe of that name king of Castile, vvhose eldest daughter &

pretence
of the In-
fanta of
Spaine.

Cc heyre,

heyre named Blanch (for that their only sonne Henry dyed without issue) married vwith the prince Lewis the eight of France, vwho vvas father by her to king S. Lewis of France, and so hath continued the lyne of France vnto this day, & ioyned the same afterward to the howse of Britanie, as hath bin declared: so as the Infanta cometh to be heyre general of both those houses, that is, as wel of Britanie as of France, as hath bin shewed. And now by this her dissent,

Pretence
to Aqui-
taine.

from Queene Eleanor daughter of king Henry the secōd, her fauorers do founde diuers pretences and titles, not only to the states of Aquitaine, that came to her father by a woman, but also to Ingland; in manner following: first for Aquitaine, they saye that it came to king Henry the secōd by his vwife Eleanor daughter of William duke of Aquitaine, as before in the secōd chapter at large hath bin declared, and for that the most part therof vvas lost afterward to the french in king Iohns tyme, that vvas fourth sonne to the aforesaid king Héry, it vvas agreed betweene the said king Iohn and the French king Phillip, that al the states of Aquitaine already lost to the french, should be giuen in dowry vwith the said Blanch to be married to k wys the eight then prince of France, and so they vvere, and moreouer they do allege, that not long after this, the same states vwith the residue that remayned in king Iohns handes, vvere al adiudged to be forfeyted, by the parliament of Paris, for the death of duke Arthur, & conse-

Polydor
in vit.
Ioa[n], &
Garib in
vit. Al-
fons. 9.

consequētly did fal also vpon this lady Blāch, as next heyre capable of such succession vnto king Iohn, for that yet the said Iohn had no sonne at al, and for this cause and for that the said states are inheritable by women, and came by women, as hath bin often said, these men affirme that at this day they do by succession appartayne vnto the said lady Infanta of Spayne, and not to the crowne of France.

To the succession of Ingland also, they make ^{Pretences} pretence by way of the said lady Blanch mar-^{to Inglād}
^{by lady}
ried into France, and that in diuers manners. ^{Blanch.}

First for that king John of Ingland by the mur-
ther of duke Arthur of Britanie his nephew,
(which dueis authors do affirme as Stow also ^{Stow in}
witnesseth that it vvas done by king Johns ^{vit. Ioan-}
^{nis.} owne handes) he forfeited al his states, if his
right to them had bin neuer so good, and for
that this murther happened in the fist yeare of
his reigne, and foure yeates before his sonne
Henry was borne, none vvas so neere to suc-
ceede at that tyme, as was this lady Blanch mar-
ried into france, for that she was daughter and
heyte vnto king Johns elder sister Eleanor, or
rather the said Eleanor herselfe Queene of
Spayne, shold haue succeeded, for that she yet
liued, and dyed not (as appeareth by Stephen
Garribay chronicler of Spayne) vntil the yeare ^{Garib. li.}
of Christ 1214. which vvas not vntil the 15. ^{12 c. 32.}
yeare of the reigne of king Iohn, and one yeare
only b:fore he dyed, so as he hauing yet no is-
sue, when this murther vvas committed, and

leesing by this forfeit, al right he had in the kingdomc of Ingland it followeth, that the same shoulde haue gone to his said sister, & by her to this lady Blanch her heyre, and eldest daughter, married into france as hath bin saide, which forfeit also of king Iohn, these men do confirme by his depriviation by the Pope that soone after ensewed, as also by an other depriviation made by the Barrons of his realme, as after shalbe touched.

^{3.} Further more they saye that when Arthur
 Pretence
 by Arthur
 duke of
 Britanie.
 duke of
 Britanie.
 Belforest
 1.3. cap. 71
 hist. Fran.

duke of Britanie (whom to this effect they do hold to haue bin the only true heyre at that tyme to the kingdome of Ingland) vvas in prison in the castle of Roan, suspecting that he shoulde be murthred by his said vncle K. Iohn, he nominated this lady Blanch his cosen germanie, to be his heyre, persuading himselfe that she by the helpe of her husband prince Lewis of France, and her father the king of spaine, shoulde be better able to defend and recouer his or her right, to the crowne of Ingland then Eleanor his owne sister, shoulde be, who vvas also in the handes of his said vncle: for that he supposed that she also shoulde be made away by him shortly after, as in dede the french chro[nicle affirmeth that she vvas: and howsoeuer this matter of duke Arthurs testament were; yet certaine it is, that vwhen he and his sister vvere put to death, the next in kynne, that could succeede them in their right to Ingland, vvas this lady Blanch, and her mother Queene Elenor,

Elenor, that vvas sister to Arthuis father, Gefrey duke of Britanie. For that king Iohn their vncle was presumed by al men to be vncapable of their inheritance, by his putting of them to death, and child yet he had none, and this is the second pointe that these men do deduce for the lady Infanta of Spayne, by the title of Queene Eleanor and her daughter Blanch, to whom the Infanta is next heyre.

A third interest also the same men do deriuē ^{Ele&tiō of} to the Infanta, by the actual deposition of king ^{Levvys} John by the Barons and states of his Realme in ^{the 8. to} the 16. yeare of his reigne, and by the election ^{be King} of Inglād. and actual admission of Lewis prince of Frāce, husband of the foresaid lady Blanch, whom they chose with one consent, and admitted and swore him fealtie and obedience in London, for him and for his heyres and posteritie, in the ycate 1217. and gaue him possession of the said ^{Polydor.} citie and Tower of London, and of many other ^{1.15. hist.} cheefe places of the realme, & albeit afterward ^{Angl.} Holling & Stovv in ^{vita Ioan-} myndes agayne, vpon the suddaine death of ^{nis.} the said king John, and chose and admitted his yong sonne Henry the third, a child of nyne ^{Belfor. li.} yeares old, yet do the faouourers of the Infanta ^{2. cap 67.} say, that their remayneth to her as heyre vnto Girard li. the realme, remained vnto this prince Lewis, ^{5 histor.} which these men affirme to be the very like Baudin case, as was that of Hugo Capetus in France, ^{au 291.}

who came to be king especially , vpon a certayne title that one of his ancestors named Odo earle of Parris, had, by being once elected king of France, and admitted and sworne, though afterward he were deposed agayne , and yong Charles surnamed the simple was admitted in his place , as Henry the third was in England after the election of this Lewis. But yet as the other continued euer his right and clayme vntill it was restored to Hugo Capetus one of his race, so say these men, may this Infanta cōtinew and renew now the demaund of this right of king Lewis her ancestor , for that titles and interestes to kingdomes, once rightly gotten, do neuuer dye, but remaine euer for the posterity to effectuate when they can, & thus much of this matter.

Pretence by descent from Hē. ry the third. But after this againe , these men do shew, how that the said Infanta of Spayne , doth descend also from Henry the third, sonne of king John, by the dukes of Britanie, as before in the secōd chapter hath bin declared, and in the arbor and genealogie following in the end of this conference shalbe scene, for that king Henry besides his two sonnes Edward and Edmond, which were the beginners of the two houses of Yorke and Lancaster , had also a daughter named Lady Beatrix, married to Iohn the second of that name duke of Britanie, and by him she had Arthur the second , and so lineally from him haue descended the princes of that house, vntil theire vniōn with the crowne of France, and

and from thence vnto this lady Infanta of Spayne, that now is, who taketh herselfe for proper heyre of the said house of Britanie, and heyre general of France, as hath bin said.

By this third coniunction then, of the house of Britanie with the blood royal of Ingland, the frendes of the Infanta do argue in this manner, that seing she descendeth of the sister of these two brothers which were the heades of the two opposite houses of Lancaster and Yorke, and considering that each of these houses hath oftentimes bin attainted, & excluded from the succession by sondry actes of parliament, and at this present are opposite, and at contention among themselues: why may not this right of both houses (say these men) by way of composition peace and compromise, at least, be passed ouer to the issue of their sister ^{Admissio}_{by composition.} vwhich resteth in the Infanta.

Agayne they saye that al these three branches of the lines of Inglish kings, to wit by the lady Constance daughter of king William Conqueror, by the lady Elenor daughter of king Henry the second, and by the lady Beatrix daughter of king Henry the third, it is euidēt, that this lady the infanta of Spaine, is of the true and ancient blood royal of Ingland, and that diuers wayes she may haue clayme to the same, vwhich being graunted, they inferr, that seing matters are so doubtful at this day, about the next lawful succession, and that diuers of the pretendores are excluded, some for bastar-

die, some other for religion, some for vnaptnes
to gouerne, and some for other causes, & seing
the common wealth hath such authoritie to
dispose in this affaire, as before the Ciuil la-
wyer hath declared, why may there not consi-
deration be had among other pretenders, of this
noble princesse also (saie these men) especially
seing she is vnmarried and may therby cōmo-
date many matters, and salue many breaches, &
satisfie many hopes, and giue contentment to
many desires, as the vworld knoweth.

Obiectiōs And this is in effect as much as I haue hard
against the Infan- alleaged hitherto in fauour of the Infanta of
tas pre- Spayne, but against this pretence, others do pro-
duce diuers arguments and obiections, as first
of al, that these her claymes be very old and
vvorne out, and are but collateral by sisters. Se-
condly that she is a stranger, and allien borne.
Thirdly that her religion is cōtrary to the state.
vnto al which obiections, the faouurers afore-
said do make their answeres, and to the first
they say, that antiquity hurteth not the good-
nes of a title, vwhen occasion is offred to aduāce
the same, especially in titles apperteyning to
kingdomes, which commonly are neuer presu-
med to dye, as hath bin said, and *nullum tempus*
occurrit Regi saith our law. And as for collate-
ral lines, they say, that they may lawfully be ad-
mitted to enter when the direct lynes do eyther
fayle or are to be excluded, for other iust re-
spects, as in our case they hold that it happe-
neth. And as for the second pointe of forraine
birth

birth they saye there hath bin sufficient answered, before in treating of the house of Scotland, that in rigor it is no barr, by intention of any Inglis h law, yet whether in reaso n of state & politique gouernment, it may be a iust impediment or no, it shal after be handled more al large vwhen we come to treat of the house of Portugal. To the last pointe of religion they answer that this impediment is not vniuersal, nor admitted in the iudgment of al men, but only of those Inglis h that be of different religion from her. But to some others (and those many as these men do vveene) her religion vvil rather be a motiue to fauour her title then to hinder the same, so that on this ground no certaintie can be buylded, and this is as much as I haue to say at this tyme of these two families of Clarence and Britanie.

Cc 5 OF THE

OF THE HOVSE OF
 PORTVGAL VVHICH CON-
 TEYNETH THE CLAYMES AS-VVEL OF
*the king and prince of Spayne to the succession
 of Ingland, as also of the dukes of Parma
 and Bragansa by the house of
 Lancaster.*

C A P . VIII.

The
princes of
Portugal
are of the
house of
Lancaster. IT hath bin oftentymes spoken before vpon occasions offred, that the princes of the house of Portugal at this day, do persuade themselves that the only remaynder of the house of Lancaster resteth among them, as the only true heires of the lady Blanch duchesse and heyre of Lancaster, & first wife of John of Gaunt, which pointe of these princes descents from the said duchesse of Lancaster, though it be declared sufficiently before in the third and fourth chapters: yet wil I briefly here also set downe and repeat agayne the reasons therof, vwhich are these that follow.

John of Gaunt vvas duke of Lancaster by the right of his first vwife lady Blanch, and had by her only one sonne, as also one daughter, of whom vve neede heere to speake, for that the other hath left no issue now liuing. The sonne vvas king Henry the fourth, vwho had issue king Henry the fift, and he agayne Henry the sixt, in whom vvas extinguisched al the succession of this sonne Henry.

The

The daughter of John of Gaunt by lady <sup>The issue
of lady</sup> Blanch vvas called Phillip, vwho vwas married ^{Phillip} to Iohn the first king of that name of Portugal, ^{Queene} ^{of Portu-} vwho had issue by him king Edward, and he gal. agayne had issue king Alfonlus the fift king of Portugal, and he and his offspringe had issue agayne the one after the other vntil our tymes, and so by this marriage of lady Phillip, to their first king Iohn, these princes of the house of Portugal that liue at this day, do pretende that the inheritance of Lancaster is only in them, by this lady Phillip, for that the succession of her elder brother king Henry the fourth, is expi- red long ago. This in effect is their pretence, but now vve vvil passe on to see vwhat others say, that do pretend also to be of the house of Lancaster by a latter marriage.

John of Gaunt after the death of his first vwife lady Blanch, dyd matrye againe the lady Constance daughter of king Peter surnamed <sup>Issue of
lohn of
Gaunt by
his later
vvives.</sup> the cruel of Castile, and had by her one daugh- ter only named Catherin, vvhom he married afterward back to Castile againe, giuing her to vwife, to king Henry the third of that name, by vvhom she had issue king Iohn, and he others, so as lineally king Philippe king of Spayne is descēded from her, vwhich king Phillip being at this day king also of Portugal, and the cheife titler of that house vnto Ingland, he ioyneth <sup>See the
arbor in</sup> the inheritance of both the two daughters of the end ^{of this} John of Gaunt, in one, & so we shal not neede booke. to talk of these two daughters hearafter di- stinctly,

stinctly, but only as of one, seing that both their discents do end in this one man.

The point
of diffi-
cultie.

The only difficultie and dissention is then, about the issue of the third mariage, vwhich vvas of Iohn of Gaunt vwith lady Catherin Swinford, whom he first kept as a Concubine, in the tyme of his second wife lady Constance, as before hath bin shewed in the third chapter, and begat of her fower children, and after that his wife lady Constance vvas dead, he tooke her to vwife for the loue he bare to his children, a litle before his death, and caused the said chil- dren to be legitimated by authority of parla- ment, and for that none of these fower chil- dren of his, haue left issue, but only one, that vvas Iohn earle of Somerset, we shal speake only of him ommitting al the rest.

This Iohn then earle of Somerset had issue an other Iohn, which was made duke of Somer- set by king Henry the sixt, who vwith his three sonnes, vvere slayne by the princes of the house of Yorke, in the quarrel of Lancaster, & so left only one daughter named Margaret, who by her husbād Edmond Tydder, earle of Rich- mond, vvas Countesse of Richmond, & had by him a sonne named Henry earle of Richmond, that was after king, by the name of king Henry the seventh, and from him al his discendents both of the house of Scotland and Suffolke, do pretend also to be of the house of Lancaster, which yet can be no otherwise then now hath bin declared, to wit, not from Blanch first wife and

Issue of
Catherin
Swin-
ford.

& heire of the duchy of Lancastee, but frō Catherin Swinford his third wife, vtherin riseth the question vwhether those men, I meane king Henry the sevēth, & his discendents, may properlie be said to be of the true house of Lancaster, or no, wherunto some do answere vwith a distinctiō, to wit, that to the duchy of Lācaster, wherof the first wife lady Blāch was heire; these of the third marriage cannot be heires, but only the remaynder of the issue of the said lady Blanch that resteth in the princes of the house of Portugal. But yet to the title of the crowne of Inglande, which came by Iohn of Gaūt himselfe, in that he vvas third sonne of K. Edward the third, and eldest of al his children that liued vwhen the said king Edward dyed (by vwhich is pretended also that he shoulde haue succeeded immediatly after him before king Richard the secōd, as before in the fourth chapter hath bin declared) to this right (Isaie) & to this interest of the crowne, which came by Iohn of Gaunt himselfe, & not by lady Blāch, or by any other of his wiues, the discendents of king Henry the seuenth do say that they may and ought to succede, for that Iohn earle of Somerset eldest sonne of Iohn of Gaunt by lady Catherin Swinford, though he vvere begotten out of matrimony, yet being afterward made legitimate, he vvas to inherite this right of Iohn of Gaunt his father, before the lady Philip his sister, for that so vve see that king Edvard the sixth & of the prince of spaine. An example of Edvard the sixth & of the prince of spaine.

halfe

halfe brother vnto the lady Mary and Elizabeth his sisters, yet he inherited the crowne before them, and in like manner is lord Phillippe prince of Spaine at this daye to inherite al the states of that crowne before his two sisters; that be elder then he, & so likewise saye these men, ought Iohn of Somerset to haue donne before Phillippe his eldest sister, if he had bin aliue at that tyme, vwhen king Henry the sixt vvas put downe and dyed, and consequently his posterity, vwhich are the discendents of king Henry the seventh, ought to enioye the same before the princes of Portugal, that are the discéndents of Lady Phillippe his sister, thus say the issue of king Henry the seventh.

*Replies
of the
house of
Portugal.* But to this the princes of the house of Portugal do reply, and say, first, that by this it is evident at least, that the dukedom of Lancaster vvhерof the lady Blanch vvas the only heyre, must needs apperteyne to them alone, and this vwithout al doubt or controuersie, for that they only remaine of her issue after extinguishing of the posterity of her elder brother K. Henry the fourth, which vvas extinguished by the death

The duke of king Henry the sixt, and of his only sonne
dome of prince Edward, and for this they make no que-
Lácastér. stion or controuersie, assuring themselues that

The legi- al law, right and equity, is on their side.

*timation
of Cath-
erine Syvin-
fords
children
not lavy-
ful.* Secondly touching the succession and right to the kingdome, they saye, that Iohn earle of Somerset being borne out of Wedlock, and in adultery, for that his father had an other vwife aliue

alive vwhen he begatt him, and he continuing
a bastard so many yeares, could not be made le-
gitimate afterward by parliament to that effect
of succession to the crowne, and to deprive
Queene Phillip of Portugal, and her children
borne before the others legitimation, siō their
right and succession, vvithout their consents,
for that Iohn king of Portugal, did mairy the
said lady Phillip, vvith condition to enjoy al
prerogatiues that at that day vvere due vnto
her, and that at the tyme vwhen Iohn of Gaunt
did marry the said lady Catherine Svinford, &
made her children legitimate by act of parla-
ment (vwhich vvas in the yeare of Christ 1396.
and 1397.) the said lady Phillip Queene of Por-

Stevv in
vit. Ri-
chardia.

tugal, had now two sonnes liuing, named don
Alonso, and don Edwardo, vvhich vvere boine
in the yeares 1390. and 1391. that is six yeates
before the legitimation of Iohn earle of So-
metset, and his brethren, and theriby had *ius*
acquisitum, as the law saith, vvhich right once
acquired and gotten, could not be taken away
by any posterior act of parliament afterward,
vvithout consent of the parties interessed, for
vvhich they do alleage, diuers places of the ca-
non law, vvhich for that they hold not in In-
gland, I do not cite, but one example they put
to shew the inconuenience of the thing (if it
should be otherwise determined then they af-
firme) vvhich is, that if king Henry the eight
that had a bastaid sonne, by the lady Elizabeth
Blunt, vvhom he named Henry fitzroy, & made
him

Caribay
his Por-
tugal. I. 35
cap. 4.

Note this
example.
Stevv in
vit. Hen-
rici 2.

him both earle of Nottingham, and duke of Richmond and Somerset in the 18. yeare of his reigne, at vwhat tyme the said king had a lawfull daughter a liue, named the princesse Mary by Queene Catherin of Spayne; if (I say) the king shold haue offred to make this sonne legitimate by parliament, with intent to haue him succeede after him, in the crowne, to the priudice and open iniury of the said lawfull daughter, these men do say that he could not haue done it, and if he shold haue done it by violence, it would not haue held, and much lesse could Iohn of Gaunt do the like, being no king. Nor was the act of parliament sufficiēt for this pointe, it being a matter that depended especially (say these men) of the spiritual court, and of the Canon law which law alloweth this legitimation no further, but only as a dispensation, and this so farforth only as it doth not prejudice the right of any other.

*John of
Gaunt's
marriage
with Ca-
therin
Swinford
helpeth
not the
legitima-
tion.*

Nether helpeth it any thing in this matter, the matriage of Iohn of Gaunt with lady Catherin, for to make better this legitimation, for that as hath bin said, their children vvere not only *naturales* but *Spurij* that is to saye begotten in playne aduoutrie and not in simple fornication only, for that the one partie had a wife a liue, and consequently the priuelege that the law giueth to the subsequent marriage of the parties for legitimating such children, as are borne in simple fornication, that is to say betweene parties that vvere single and none of them

them married, can not take place here, so as these men conclude, that albeit this legitimation of parliament, might serue them to other purposes, yet not to deprive the princes of Portugal of their prerogative to succede in their mothers right, which she had vwhen she vwas married to their father.

And this they affirme to haue bin law and right at that tyme, if the said Queene Phillip & earle John had bin aliue together, vwhen Henry the sixt and his sonne vvas put to death, & that this questio had bin then moued at the deathe of king Henry the sixt, whether of the two, to vvit either the said Queene Phillip or her yonger brother John earle of Somerset by the fa-
 thers side only, shoule haue succeeded in the in-
 heritance of king Henry the sixt, in vwhich
 case these men presume for certaine, that the
 said Queene Phillippe legitimatly borne, and
 not John made legitimate by parlamēt, shoule
 haue succeeded, for that by common course of
 law, the children legitimated by fauour, albeit
 their legitimation vvere good and lawful (as
 this of these children is denyed to be) yet can
 they neuer be made equal, and much lesse be
 preferred before the lawful and legitimate by
 byrthe.

But now say these men, the case standeth at this present somewhat otherwise, and more for the aduantage of Queene Phillippe, and her offspring, for vwhen king Henry the sixt, & his sonne were extinguished, and Edward duke of

The que-
 stion be-
 tweene
 lord Phil-
 lip and
 John of
 Somerset

Yorke thrust hym selfe in to the crowne (which vvas about the yeare of Christ 1471) the foresaid two princes, lady Phillip and earle Iohn, vvere both dead, as also their children, and only their nephewes vvere aliue, that is to saye, their liued in Portugal king *Alfonsus* the fist of that name, sonne to king Edward, vwhich Edward vvas child to Queene Phillip, and the death of king Henry the sixt of Ingland hap- pened in the 38. yeare of the reigne of the said king *Alfonsus*: and in Inglād liued at the same tyme, lady Margaret Countesse of Richmond, mother of king Henry the seuenthe and neece of the foresaid Iohn earle of Somerset, to vvit the daughter of his sonne duke Iohn of Somerset, so as these tvvo competitors of the house of Lancaster, that is to say, king *Alfonsus* and lady Margaret, were in equal degree from Iohn of Gaunt, as also from king Henry the sixt, sauing that king *Alfonsus* vvas of the vvhole blood, as hath bin said, and by Queene Phillip that vvas legitimate, and the countesse of Richmond vvas but of the halfe blood, as by Iohn earle of Somerset, that vvas a bastard legitimated.

The question
between
the ne-
phewes.

The question then is, which of these tvvo should haue succeded by right, of the house of Lancaster, immediatly after the death of king Henry the sixt, and the lady Margaret alleageth that she vvas descended from Iohn earle of Somerset that vvas a man, and therfore to be preferred, and king *Alfonsus* alleaged that he being

being in equal degree of neernes of blood with the same countesse (for that both vvere nephe-wes) he vvas to be preferred before her, for that he was a man, and of the vwhole blood, to the last kings of the house of Lancaster, and that she was a vyoman and but of the halfe blood, so that three prerogatiues he pretended before her. First that he vvas a man and she a vvoman, and secondly that he descended of the lawful and elder daughter, and she of the yonger brother legitimated, and thirdly that he vvas of vwhole blood, and she but of halfe, and for better fortifying of this prooфе of his title, these men do alleage a certayne case, determinyd by the learned of our dayes as they say, vwherin for the first of these three causes only, the succession to a crowne vvas adiudged vnto king Philip of Spayne, to vvit the succession to the kingdome of Portugal, vwhich case was in al respects correspondent to this of ours: for that Emanuel king of Portugal had three children, for so much as apperteyneth to this affaire (for afterward I shal treat more particularly of his issue) that is to say, two sonnes and one daughter, in this order, Iohn, Elizabeth and Edward, euen as Iohn of Gaunt had Héry, lady Philippe, and Iohn.

Prince Iohn of Portugal first child of king Emanuel, had issue an other Iohn, and he had Sebastian in whom the line of Iohn the first child vvas extinguished: but Johns sister Elizabeth, vwas married to Charles the Emperor, & The case
of succe-
sion to
Portugal.

had issue K. Phillip of Spayne that now liueth. Edward also yōger brother to Elizabeth or Isabell had issue two daughters, the one married to the duke of Parma, & the other to the duke of Bragansa, so as king Phillip vvas in equal degree vwith these ladies in respect of king Emanuel, for that he vvas sonne to his eldest daughter, and the two duchesses vvere daughteis to his yonger sonne, & vpon this rested the question, vwhich of these shoulde succeede, and it vvas decided that it apperteyneth vnto king Phillip, for that he vvas a man, and his mother vvas the elder sister, though if king Phillips mother and the two duchesses father I meane lord Edward of Portugal had bin aliue together, no doubt but that he beinge a man shoulde haue borne it away, vwhich these men say, holdeth not in our case, but is much more to our aduantage, for that it hath bin shewed before, that if Queene Phillippe had bin aliue vwith earle Iohn of Somerset at the death of king Henry the sixt, she shoulde haue bin preferred as legitimate, by birth, and therfore much more ought her nephew king Alfonsus to haue bin preferred afterward in that he vvas a man, before the neece of the said earle Iohn of Somerset, that vvas but a woman, thus farr

The pro-
per inter-
est of
K. Henry
the 4. cā-
not dī-
cend to
king Hēly
the 7.

And besides all this, they do adde (as often before I haue mentioned) that king Alfonsus vvas of the vwhole blood vnto al the three king
Henryes of the house of Lancaster, & the coun-
tesse

tesse of Richmond vvas but of the halfe blood: and for more strengthening of this argument, they do say further, that besides that interest or right to the crowne , vwhich king Henry the fourth (that vvas the first king of the house of Lancaster) had by his father John of Gaunt, in that the said John vvas third sonne of king Edward the third, the said king Henry had diuers other interestes also which came of himselfe only, and not from his said father, as vvere (for example) his being called into the realme by general voyce of al the people: his right gotten by armes, vpon the euil gouernment of the former king: the personal resignation and deliuery of the kingdome by solemne instrument made vnto him, by king Richard: his election also by parliament, & coronation by the realme: and finally the quiet possession of him and his posteritie, for almost threescore yeares , vwith many confirmations of the whole realme , by diuers acts of parliament, othes, and other assurâces, as the world knoweth: so many I meane, and so autêtical, as could possibly be deuised or giuen: and besides al this, that vwhen king Richard vvas dead, he vvas next in degree of propinquitie vnto him, of any man liuing, for that the sonnes of Roger Mortimer, vvere two degrees further of then he , as hath bin shewed before. Al vwhich particuler rightes and interestes, vvere peculier to Henry the fourth his person, and vvere not in his father John of Gaunt, and therfore cannot possibly descend from him

172 A Conference touching succession
to the issue of Iohn earle of Somerset, but must
pasle rather to the issue of king Henries true si-
ster the Queene Phillippe of Portugal, and this
though it be supposed, that otherwise it might
be graunted (as say they it may not) that Iohn
earle of Somerset and his successors, might
succede to Iohn of Gaūt before lady Phillippe,
vvhich thinge (say these men) if it shoulde be
graunted, yet cannot he succede to king Hen-
ry the fourth fift and sixt, that discended of
Blanch: and this is in effect al that I haue hard
disputed about this pointe, what lyne is true
heyre to the house of Lancaster, to vvit, whe-
ther that of Iohn earle of Somerset, borne of
Catherin Swinford (from vvhom discendeth
king Henry the seventh and his posteritie) or
els that of Queene Philippe of Portugall, borne
of lady Blāch, from vvhom are come the fore-
said Princes of Portugal.

VVho are
the prin-
ces of Por-
tugal and
how
they pre-
tend to
England.

But now it remayneth to examine somwhat
in this place also, vwhat & vwho are these prin-
ces of the house of Portugal, so often named
before, and vwhat pretence of succession, they
and euery of them haue, or may haue vnto the
crownē of Ingland? for better vnderstanding
vherof, it shalbe needful to explane somwhat
more at large, the foresaid pedigree of king
Emanuel of Portugal, who albeit by diuers wi-
ues he had many children, yet six only that he
had by one wife, of vvhom their remayneth hi-
ther-to issue, are those vwhich may apperteyne
vnto our purpose to speake of, in respect of any
pretence,

pretence, that may be made by them towards Inglād, supposing alwayes (which is most true) that the said king Emanuel, was discended linea-
lly as true and direct heire from the fore-
faid lady Phillippe, Queene of Portugal, that
vvas daughter of Iohn of Gaunt by his first wife
lady Blanch, duchesse and heire of the duke-
dome of Lancaster, and sister to king Henry the
fourth first king of the house of Lancaster, so as,
by her doth or may pretend the whole poste-
ritie of the said king Emanuel, vnto whatsoeuer
the said lady Phillippe might inherite from her
father or mother, or from her said brother king
of Ingland or his posteritie.

The six children then of king Emanuel were
these following, and each of them borne as
heere they are set downe, first prince Iohn that
vvas king after his father by the name of Iohn
the third, secondly the lady Isabel married to
the emperor Charles the fift, and mother to
king Phillip of Spayne that now liueth.
Thirdly lady Beatrix married to Charles duke
of Sauoy, and mother to duke Philibert the last
duke that dyed, and grand mother to this that
now liueth. Fourthly lord Lewis father to don
Antonio that now is in Ingland. Fiftly lord
Henry that was Cardinal and Archbisshop of
Ebora, and in the end king of Portugal. And
sixtly lord Edward, that vvas father of the two
duchesses of Parma and Braganfa, to wit of
lady Mary, and lady Catherin, both which haue
left goodly issue for that the lady Mary hath

The issue
of king
Emanuel
of Portu-
gal.

left by the last duke of Parma, lord Ranutius that is now duke of Parma, and lord Edward that is Cardinal: and the lady Catherine duchesse of Bragansa that yet liueth, hath issue divers goodly princes, as the lord Theodosius, that is now duke of Bragansa, and three yonger brothers, to wit, Edward, Alexander and Philip, al yong princes of great expectation, and these are the children of king Emanuel vwhose particuler successions and issues, I shall declare somewhat more yet in particular.

Issue of K. John the 3. of Portugal. Prince John of Portugall afterward king, by name of king John the third, had issue an other John that vvas prince of Portugal, but dyed before his father and left a sonne named Sebastian, vwho vvas king, and slayne afterward by the Moores in Barbary, and so ended this first lyne.

L. Levves father of Don Antonio. The second sonne, and fourth childe of king Emanuel, vvas named lord Lewis, and dyed also vwithout issue legitimate, as is supposed, for that don Antonio his sonne, that afterward vvas proclaymed king by the people of Lissbone, and now liueth in Ingland, vvas taken by al men to be vnlawful, as presently more at large shalbe shewed, so as after the death of king Sebastian, their entred the Cardinal lord Henry; vwhich vvas third sonne to king Emanuel, and great vncle to king Sebastian lately diseased, for that he was brother to king John the third, that vvas grand father to king Sebastian, and albeit their vyanted not some (accordinge

King Hen

ry Car

donio.

King Hen

ry Car

donio.

dinge as the authors wryte vwhich afterward I shal name) vwho affirmed and held, that king Phillip of Spayne should haue succeeded king Sebastian before the Cardinal, for that he vvas neerer in consanguinitie to him then vvas the Cardinal, for that besides that king Phillip was sonne of king Emanuels eldest daughter, he vvas brother also to king Sebastians mother, yet the said Cardinal entred peceably and by consent of al parties, but for that he vvas old, and vnmarried, and not like to leauue any child of his owne, there began presently the contention in his dayes, vwho should be his successor.

To vwhich succession, did pretende ffeue princes of the blood royal of Portugal, besides the lady Catherine Queene mother of France, who pretended by her mothers side to be discended of one lord Raphe, earle of Bulayne in Picardy, vwhich Raphe vvas eldest sonne of Alfonsus the third king of Portugal; which Alfonsus before he vvas king, to wit, in the tyme^t of his elder brother king Sanches of Portugal, was married to the countesse and heyre of Bullayn, named Mathildis and had by her this Raphe: but afterward this Alfonsus comming to be king of Portugal, he married agayne vwith the king of Castiles daughter, and had by her a sonne called Denyse, vwho reigned after him, and his successors, vnto this day, al which succession of kinge Denyse & his posteritie, the said Queene mother would haue improved and shevved,

that it apperteyned to her by the said Raphe, & for this cause sent she to Portugal, one lord Vibon bishop of Comince in Gasgonie, to plead her cause, vvhich cause of hers vvas quicklie reiecte, and only the forsaide ffe
 Fine pre-
 tenders
 of the
 crowne
 of Portu-
 gal.
 gald
 of
 Spayne sonne of lady Elizabeth the eldest
 siste of t he said Cardinal, and Philibert duke of
 Siuoy sonne of the lady Beatrix the same Car-
 dinals yonger sister, and the two duchesses of
 Parma and Bragansa, named Mary and Cathe-
 rine, daughters of lord Edward yonger brother
 of the said Cardinal, and yongest child of king
 Emanuel. And for that the lady Mary duchesse
 of Parma, vvhich vvas the elder of the tvwo
 daughters, vvas dead before this controuersie
 fel out, her eldest sonne lord Ranutio now duke
 of Parma, pretended by her right, to the said
 crowne.

The con-
 tention
 about
 the suc-
 cession of
 Portugal.
 And for that this matter vvas of so great im-
 portance euery parte procured to lay downe
 their reasons, and declared their rightes, in the
 best manner they could, and such as could not
 be present them selues in Portugal, sent thither
 their agentes, Embassadors and Attorneys, to
 plead their causes for them. Don Antonio and
 the duchesse of Bragansa, as inhabitants of that
 kingdome, were present, and declared their pre-
 tences, namely Don Antonio by himselfe, and
 for

for himselfe, and the lady Mary of Braganſa
by her husband the duke, and his learned
council.

The prince of Parma sent thither for his parte Attur.
one Ferdinande Farnese, bishop of Parma. The neyes
duke of Sauoy sent Charles of Rouere, after- sent to
vvard made Cardinal. The king of Spaine, as Portugal.
the greatest pretender sent the lord Peter Gyrō
duke of Osuna afterward Viceroy of Naples, &
Syr Christopher de Mora, knight of his cham-
ber at that tyme, but since of his priuye councel
and lately made earle of Castel Rodrigo in Por-
tugal, of vwhich country he is natiuue, and besi-
des these two, a great lawyer named Roderigo
Vasques, made since (as I heare saye) lord Presi-
dent of Castil, vwhich is as much almost as lord
Chancellor vwith vs.

All these did lay forth before the king Cardi-
nall their seueral reasons and pretensions to
the succession of the crowne of Portugal, for
the fие persons before mentioned, wherof two
vvere quickly excluded, to wit, the duke of
Sauoy for that his mother was yonger sister to
king Phillips mother, and himselfe also of
lesse age then the said king. And secondly Don
Antonio was also excluded by publike and iu-
dicial sentence, of the king Cardinal his vncle,
as illegitimate, and borne out of lawful wed-
loke, and albeit Dō Antonio denied the same,
and went about to proue hym selfe legitimat,
affirming that his father the lord Lewis, before
his death had married with his mother in se-
cret,

cret, and for this brought forth some witnesses, as namely his mothers sister with her husband, and two others: yet the king Cardinal affirmed, that vpon examinatiō he had found them to be suborned vwhich he said vvas evident to him, partly for that they agreed not in their speeches, and partly for that some of them had confessed the same, to wit, that they were suborned, vvhom he cast into prison, and caused

A sentence
of illegiti-
mation
against
Don An-
tonio.

them to be punisched, and so sitting in iudgement, accompanied with fower bis hōpes, and fower lawyers, vvhō he had called to assist him in this cause, he pronounced the same Don Antonio to be a bastard, for vwhich the Authors that I haue read about this matter which are principally two, the first named *Hierom Franke*, a gentleman of Genua, who wrote ten bookeſ in Italian, of the vnion of the crowne of Portugal to the crowne of Castilia, and the second is named *Ioanes Antonius Viperanus* a Sicilian as I take him, who wrote one booke only in latine, *de obtenta Portugallia à rege Catholico Phillipo*, of Portugal gotte by king Phillip the Catholike, both these bookes (I say) out of vvhom principally I haue taken the pointes which heere I wil touch, do ſeueraly ſet downe, the causes following, vwhy the king Cardinal did reiect the pretence of Don Antonio before al other pretenders, and pronounced him a bastard.

^{2.}
The cau-
ſes vwhy
don An-
tonio
was pro-
nounced
illegiti-
mate.

First, for that he had byn euer ſo taken al the tyme of his fathers life, and no man euer doweſed therof, or called the matter in question, vntil

vntil now that himselfe denied the same.

Secondly for that in the tyme of Iulius Tertius the Pope, when certayne dectres came out from Rome, against the promotion of bastarde, the same Dō Antonio sued to the said Pope, to be dispensed with al in that case, vwhich argueth that then he knew himselfe not legitimate.

Thirdly that his father the lord Lewis had often tymes both by word and writing testified the same, that this Antoneye vvas his bastard, and had signified also so much in his last vvil & testament.

Fourthly the said Cardinal as of himselfe, also affirmed, that if his brother the lord Lewis, had euer dōne any such thinge, as to marry this Woman, who was but base in birth, and of the Iewish race, as these stories do affirme: that it is like, that he would haue made some of his owne frendes & kynred acquainted therewith, as a matter so much important for them to know, but he neuer did, though the said Cardinal auowed that himselfe was present vwith him at his death.

Fiftly he said, that if Don Antonio had bin legitimate, how happened that he did not pretend the succession before the Cardinal himselfe, next after the death of king Sebastian, seing that he vvas to haue gone before the said Cardinal by as good right, as his other nephew Sebastian did, if he had bin legitimate, for that he was

he vvas sonne also to the Cardinales elder brother, as hath bin saide.

6. Sixtly & lastly, the said king Cardinal auowched against Don Antonio, partly the disagreeing and paity the open confessing of the vvitneses, that they were suborned by him, vpon al vwhich causes and considerations, he proceeded to the iudicial sentence before alleged.

Thus passed the matter in the case of Don Antonio, vwho if he had bin legitimate, no doubt, but by al right he shoulde haue bin preferred before al the other pretenders to the

^{Don Antonio his} crowne of Portugal, and must be at this day, towards the crowne of Ingland, before al those ^{pretēce to} Ingland. that pretend of the house of Portugal, if vve graunt him to be legitimate, and much more clearly may he pretend to the dukedom of Lancaster, as before hath bin declared, for that it must descend to the lawful heyre of lady Phillip Queene of Portugall, wherof enseweith also, one consideration not impertinent to vs in Ingland, that seing we hold him there for true king of Portugal, I see not how we can denye him his right to the said dukedom, at least of Lancaster, wherof if vve would giue him but the possession with al the appurtenances, as they lye, it were no euel interteynment for him in our country vntil he could gett the possession of the crowne in his owne.

After the exclusions of these two pretenders, to vvit of the duke of Sauoy, and of Don Antonio,

Antonio, the whole controuersie for Portugal, remayncd, betweene the other three, vwhich were the king of Spayne sonne of lady Isabel eldest daughter of king Emanuel, and the tvvo duchesses of Parma and Bragansa, daughters of the yonger sonne of the said king Emanuel, to vvit of the lord Edward infant of Portugal.

And first of al, for that the eldest of these two Ladyes to vvit, Mary duchesse of Parma, vvas now dead, her eldest sonne lord Ranutio now duke of Parma, entred in her place, and alleaged that he represented his mother, and the her father lord Edward, which Lord if he had bin aliue, he should (no doubt) haue bin preferred before his elder sister, lady Elizabeth mother of king Phillip, and consequently that the said lord Edwards issue ought to be preferred before her issue, and this he alleged against king Phillip.

And against the duchesse of Bragansa he al-
leaged, that his said mother vvas the elder siste,
r, and for that cause he vwhich now possesled
her right and represented her person, vvas to
be preferred before the said lady Catherine du-
chesse of Bragansa, so that the foundation of
this pretence, of the duke of Parma vvas, that
he vvas nephew to the lord Edward, by his el-
dest daughter, and that to king Emanuel he
was nephew, once remoued, by his sonne,
vheras king Phillip vvas nephew but by his
daughter only, and that the lady Catherine of
Bragansa

Pretence
of the
duke of
Parma.

Bragansa was only second daughter to the said Lord Edward.

For the
duchesse
of Bra-
ganza.

But to this was answered for the same lady Catherine, first, that she vvas borne and bread in Portugal, and therfore more to be faououred in this action, then either king Phillip or the duke of Parma, vwhich vvere forrayne borne. And secondly against king Phillip in particuler, she vsed the same argument, that before the duke of Parma had donne, vwhich is, that she vvas daughter of lord Edward, sonne of king Emanuel, whose right vwas better then his sisters, and consequently that his children, were to be preferred before the child of his sister, in this pretence, to vvit, before king Phillip. And thirdly against the duke of Parma, she alleaged, that she was one degree nearer in propinquitie of blood vnto king Emanuel and vnto king Henry the Cardinal, then the duke of Parma vwas, vwhich was but nephew, & she daughter to the said lord Edward, that vwas brother to the said lord Cardinal, and sonne of king Emanuel. And vwhen for the duke of Parma it was affirmed, that he represented his mothers place, that was the elder sister; ansyvere was made, that no representation, was admitted in this case of the succession to the crowne of Portugal, but that euery pretender vwas to be considered, and taken in his owne person only, and to be preferred according to his degree in propinquitie of blood, to the former princes, and if it happened that they shoulde be

Represen-
tation ex-
cluded.

in equal degree, then each partye to be preferred according to the prerogatiues only of his person, to witt, the man before the woman, and the elder before the yonger.

And for that the lady Catherine of Bragansa vvas neerer by one degree to her father lord Edward then was the duke of Parma vvhich was but nephew, therfore she vvas to be preferred, and many great bookeſ were written by la-wyers in this ladyes behalfe, and her right vvas generally held in Portugal to be preferred be-fore the other of Parma, vvhich was not a litle for the aduancement of king Phillipps title before them both, as presently ſhalbe ſhewed.

It vvas replied against this answer, in the be-halfe of the duke of Parma, that the last king ^{A reply for the} Sebastian entred the crowne by way of repre-^{duke of}
ſentation, and not by propinquitie of blood, ^{Parma.} for that he was a degree further of in propin- quitie of blood from king Iohn the third whō he succeeded, then was the Cardinal, for that he vvas but his nephew, to wit his ſonnes ſonne, and the Cardinal vvas his brother, and yet vwas the ſaid Sebastian admitted before the Cardi-nal, for that he represented the place and right of his father prince Iohn, that dyed before he inherited, and ſo we ſee that in this caſe repre-ſentation was admitted (ſaid they) and in like manner ought it to be now.

To this it was ſaide, that Sebastian was not ſo much preferred before his great vncle the Cardinal, by vertue of representatiō, as for that

Ee he was

he was of the right discendant lyne of K. Iohn,
and the Cardinal vvas but of the collateral or
transuersal lyne, and that al law alloweth that
the right lyne shal first be serued and preferred,
before the collateral shalbe admitted, so that
heerby representation is nothing futhered.

This exclusion of representation, did greatly
further and aduance the pretence of king Phil-
lip, for the excluding of both these ladyes, and
their issues; for that supposing (as this answeare
auoucheth) that their is no representation of
father or mother or predecessors to be admit-
ted, but that every pretender is to be considered
only in his owne person, then it followeth,
(said these men which plead for the king) that
king Phillip being in equal degree of propin-
quitie of blood, with the two ladyes, in respect
as wel of K. Héry yet liuing (for that they were
al three children of brother and sister) it follo-
weth that he was to be preferred before them
both, as well in respect that he was a man, and
they both Women, as also, for that he was el-
der in age, and borne before them both. And
albeit the duke of Parma alleged that he was
also a man, yet was it answered that he was
one degree further of from the foresaid kings,
then was king Phillip, so as not respecting re-
presentation of their parentes, that is to say, not
considering at all, that king Phillip discended
of a Woman, & the two duchesses, of a man,
but only, respecting their owne persons, as
hath bin declared, these men auouched, that
king

K. Phil-
lippe's pre-
tence to
Portugal.

king Phillipps person was evidently to be preferred, for that he was a degree nearer in blood then the duke of Parma, and superior in sex & age, to the lady Catherine of Bragansa.

Moreouer the lawyers of king Phillipps side affirmed, that he was nearer also in propinquity of blood to king Sebastian, the last king, then ywas the very king Cardinal himselfe, & much more then any of the other two pretenders, for that he was brother to the said king Sebastians mother, and the Cardinal was but brother to his grandfather. And besides this, they alleged, that Portugal did belong to the crowne of Castil by diuers other meanes of old, as for that it could not be giuen away by kings of Castil in mariage of their daughters, as the principal partes therof had byn, as also for that whē king John the first, that was a bastard, was made king of Portugal, by election of the people, the inheritance therof did evidently apperteyne to king John of Castil, that had to wife, the lady Beatrix daughter and heyre of Ferdinand king of Portugal, from which inheritance of that crowne, by open iniurye, both she and her posteritie (vvhose right is in king Phillip at this day) were debarred, by the intrusio of the said John, master of Auis, bastard brother of the foresaid king Ferdinand.

Diuers al-
legations
for king
Phillip.

These reasons alleged diuers lawyers in the behalfe of king Phillip, and those not only Spaniards but also of diuers other countryes & nations, as my authors before named do auow,

Hieron.
Fraki, to.
Pet. Vipe-
tanus.

and many bookeſ were written of this matter, and when the contention vvas at the hōtest, then died the king Cardinal, before he could decide the ſame contiouerſie, vpon which occation, the king of Spaine, being perſuaded that his right vvas best, & that he being a Monarch and vnder no temporal iudge, vvas not bound to expect any other iudgment in this affayre, nor to ſubiect himſelfe to any other tribunall, but that he might by force put himſelfe in poſſeſſion, of that which he tooke to be his owne, iſ otherwiſe he could not haue it deliuered vnto him (for ſo write theſe authořs by me named) ſeing alſo don Antonio to pretend the ſaid kingdome, by only fauour of ſome populer partie, that he had In Lisbone; the ſaid king Phillip entred vpon Portugal by force of armes, as al the world knoweth, and holdeth the ſame peaceably vnto the day.

The caſe
of preiēce
of the
hovvie
of Portu-
gal to In-
gland.

And I haue byn the longer in ſetting downe this contention about the ſucceſſion to the crowne of Portugal, for that it includeth alſo the very ſame preiēce and contention for the crowne of Inglād. For that al theſe three princes before named, may in like manner pretend the ſucceſſion of that intereſt to the house of Lancaster, and by that to the crowne of Inglaſt, which doth diſcend from Queene Phillippe eldeſt daughter of Iohn of Gaunt, duke of Lancaster, and ſister of king Henry the fourth as hath largely bin declared.

And albeit that ſome men wil ſaye, that this matter

matter is now decided, which of these princes of the house of Portugal hath the interest to Ingland, for that king Phillip being now preferred in the succession of Portugal, entreth also therby to the other right of succession of Ingland, yet others vwill say no, for that the lawes of succession in Portugal and Ingland be different. For that in Ingland representation taketh place, so as the children of the sonne though they be women, shal euer be preferred before the children of the daughter, though they be men, vvhetherof these men do inferr, that seing the lady Phillipps right before mentioned to the dukedom of Lancaster, and therby also to the crowne of Ingland, is to be preferred according to the lawes of Ingland, and not by the lawes of other forrayne countryes; it followeth, that the selfe same right of succession that is pretended at this day by the princes of Portugal for succeding the said lady Phillippe, Should be determined only by the lawes of Ingland, where representation taketh place, and not by the lawes of any other nation: Thus say they.

But against this, others do allege, that the question is not heer, by vwhat law this pretence of the blood royal of Portugal to the crowne of Ingland, is to be tried, but rather vwho is the true and next heyre and successor vnto K. John the first, and to his wife Queene lady Phillippe, heyre of the house of Lancaster, which two priuces vvere king and Queene of Portugal, &

An obiection
vwith the
answver.

their true heyre at this day hath the forenamed pretence, to the crowne of Ingland, which true and next heyre, being once knowne, it little importeth by what law he pretendeth his said right to Ingland, whether by that of Inglad or by this of Portugal, or by bothe, thought to determine this firt and chief point, vvhich is the next and true heyre vnto these foresaid king & Queene of Portugal, the lawes of Portugal must needes be iudge & not those of Ingland, and so, seing that by these lawes of Portugal, the king of Spayne, is now adjudged for next heyre, to the said princes, and is in possession of their inheritance at this day, I meane of the crowne of Portugal; these me say, that he must consequently inherite also al other rightes dignities and prerogatiues belonging to the foresaid princes, or to their posteritie.

And thus you see now how great diuersitie of arguments and obiections, are and may be alleaged, on different sides, about this affayre, wherby also is made manifest, how doubtful & ambiguous a matter this pointe of English succession, is, seing that in one only branch of the pretenders, vvhich is in the house of Portugal alone, their are so many difficulties, as heere hath byn touched.

But now the common obiection against al these titles and titlers, is, that they are old and out of vre, and not to be brought in question againe now, especially seing that both king Henry the seventh and his issue, haue enjoyed so long

so long the title of the house of Lancaster, as it hath, and secondly that these titles do apperteyn vnto strangers vwhose gouernment may be dangerous many wayes vnto Ingland, and especially in that which toucheth the king of Spayne, who being so great and mighty a monarch as he is, may prejudice greatly the English libertye, and easely bring them into seruite, if his pretence should be fauoured, as by some it seemeth to be.

This is the speach of many men in Ingland, and abroad at this day, wherunto yet some others do answer, that as concerning the first obiection of the oldnes of the pretence, & title, it hath bin shewed before, that by law no title to a kingdome dyeth euer, but may take place vhensoever the partie to whom it belongeth, is able to auouch it and gett possession, and as for this pretence of the line of Portugal, they say, that it hath not such great age, but that very vvel it may shew it selfe, and be had in consideracion, especially at this tyme, vhen now the issue male of king Henry the seventh is ended, and that of necessitie, vve must returne to haue consideration of the issue of his daughters, before vwhich daughters, good reason (say these men) is it, that the issue of lady Phillippe Queene of Portugal should be admitted, for that albeit vve vwould haue that respect to the issue male of Iohn Earle of Somerset, as to preferre it, or suffer it to enjoy the crowne, before the issue of Queene Phillippe (and so they say

An-
swers.

it seemeth that it was, for that king Henry the seventh vvas crowned king, his mother being a liue, vvhich yet by ordinary course of succession shoulde haue gone before him) yet say they, it is no reason that the issue female of Iohn of Somerset, or of king Henry the seventh shoulde be preferred before the issue male of the said Queene Phillippe.

Moreouer they saye, that the house of Clarence and Huntington do pretend a title more old and stale at this day, then this of Portugal, for that they pretend from George duke of Clarence, that neuer had the crowne, and these of Portugal pretend to be next heyre to king Henry the sixt, that did vveere the crowne of Ingland, for 40. yeares togeather, after whose death, if king Alfonsus of Portugal (who vvas then old & vwearied with euel successe of warres) had bin so able to preferr and follow his title, as some of that house be at this day, he vwould neuer haue suffered the house of York to haue entred, nor king Henry the seventh to haue enjoyed it after them, by the title of Lancaster, vvhich title yet of Lancaster (say these men) king Henry the seventh could not haue in hymselfe any vway, vwhether we respect Queene Phillippe, or Iohn of Somerset, for by Queene Phillippe, they of Portugal were euidently before him, and by waye of Iohn of Somerset the countesse his mother vvas as cleerly before hym, nether could he haue any title, as yet, by the house of Yorke, for that he vwas not yet

Note
this.

By vwhat
title king
Henry the
7. did enter.

yet married to the daughter of king Edward; so as his crowning in the feild, and whole entrance to the kingdome , vvas without any actual title at al, but only the good will of the people,as these men do hold.

To the other obiection of forraine princes & About
strange gouerment , that may come to Ingland forrayne
by these pretences of the princes of Portugal: povver in
diuers men do answer diuersly , for some do
graunt that it may be so , that by this meanes
Ingland may come to be vnder forayne kinges;
and that no hurt,or inconuenience at al would
ensue therof to Ingland, but rather much good
and commoditie: but other that like not vwell
of this assertion,do say further,that if these for-
ayne pretence shoulde take place , yet that al
matters might be so compounded , that albeit
the prince himselfe which is to rule, shoulde be
forayne borne (vwhich they take to be no in-
conuenience) yet that his forces and depen-
dance , shoulde be only of the English, for that
he shoulde not bring in any strainge powers
into the land, no more them did king Stephen
or king Henry the second, that were borne in
France,or then did king Phillip of Spayne in
Queene Matyes dayes,or as it is thought Mon-
sieur of France shoulde haue done , if he had
married her Maiestie that now is, as once it was
supposed he shoulde.

To this said one of the companie, and is it About
possible,that any man, shoulde be of opinion that forrayne
forrayne gouerment in what manner or kinde ment.

soeuer it be, should not be iuconuenient and hurtfull to Inglâd, wher the people are vvholye bent against it: you remember (quoth he) as concering the last two examples, that you haue alleaged, what tumult and sture their vvas raysed by some kynde of men, about the comming in of king Phillip, and what their vvas like to haue byn, about the entrance of Monsieur, if that purpose had gone for-ward.

I remember wel said the Lawyer, and these men that are of this opinion, vvil say to this, that it vvas but a populer mutiney without reason or any good grounde at all, and only raysed by some crafty heades, that mislikid the religio of the princes that were to enter, and for some other driftes of their owne, but not of any sound reason or argument of state, which these men thinke rather to be of their side, & in good sooth they alleage so many argumentes for their opinion, that if you should heare them, you would say it weare hard to iudge which opinion had most truth, but they are to longe for this place and so (said he I shall make an end of the matter that I haue in hand and leaue this pointe, for others to discussse:

With this the whole compayne shewed maruelous great desire to know the reasons, that vvere in both parties, for this matter, & so much the more, for that it seemed to fal very fit to the purpose, of these pretences of forayne princes, for vvhich cause they intreated him very instantlly that before he passed any further, or ended his

The occa-
sion of
the next
chapter
about fo-
raine go-
uerment.

ded his vvhole discourse, of the titles , (vvhich hitherto they said had greatly contented them) he would stay himselfe a litle also vpon this matter , which though for a tyme he made great difficultie to do, yet in the end , beinge so importuned by them he promised that at their meeting the next day , he would satisfie their desire, and so for that tyme they departed very wel contented but, yet as they saide, vwith their heades ful of titles and titlers, to the crowne.

VVHETHER IT BE BETTER TO BE VNDER A FORRAINE OR HOM-BORNE PRINCE.

*and whether vnder a great & mightie
Monarch, or vnder a litle prince
or King.*

CAP. IX.

THE compayne being gathered together the next day, and shewing much desire to heare the pointe discussed about fortaine gouerment, wherof mention had bin made the day before, the lawyer began to say, that for so much, as they would needs haue him to enter into that matter , which of it selfe vvas ful of preiudice, in most mens eares and myndes , for that no nation commonly could abide to heare of being vnder strange gouernours and gouernments, he ment to acquite himselfe in this their request, as he had done in other matters before,

fore, vwhich vvas to lay downe only the opinions and reasons of other men , that had disputed this affaire on both sides before him, and of his owne to affirme or deny nothing.

And first of al against the dominions of strāgers, and Forriners he said , that he might discourse without end, and fil vp vwhole bookeſ and volumes vvith the reasons and arguments, or at least vvise vvith the dislikes and auersions, that al men commonly had to be vnder strāgers , or to haue any alliens to beare rule or charge ouer thé, be they of what cōdition state or degree socuer, and in this he said, that as wel philosophers , lawmakers wise and good men, as others do agree commonly, for that vve see both by their wordes writinges and factes, that they abhor to subiect themſelues to strang gouerments , so as in al the eight bookeſ of Aristotles politiques, you ſhal ſtill ſee, that in al the different formeſ of common vwealthes, that he ſetteth downe, he presuppoſeth euer that the gouerment ſhalbe by people of the ſelfe ſame nation, and the ſame thing do preſume in like manner, al those lawmakers that he their me- titioneth, to vvit, Minois Solon, Licurgus, Numa Pompilius, and the rest, and he that ſhal reade the famous inuectiuſeſ of Demoſthenes againſt the pretentioneſ of king Phillip of Macedonia, that deſired to incroch vpon the Athenians, and other ſtateſ of Greece, as alſo hiſ orationeſ againſt AEſchines , hiſ aduersarie , that vvaſ thought ſecrety to fauour the ſaid forrayne prince,

Reasons
against
forrayne
gouer-
ment.

Polit.
Anif.

Demoſ-
thenis
Philipicꝝ,
& in A-
ſchines.

prince, shal see what hatred that noble Orator had against forraine gouernment, and he that shal read the bookes of our tyme either of the Italians vwhen they spake of their subiection in tymes past to the Lōbardes, German, or french nacions, or to the spaniards at this day, or shal consider vwhat the french do presently vwrite & inueigh against the power of the house of Guyle and Lorayne in Frāce, for that they take them to be straigners, shal easely see how dee-
ply this auersion against straigners, is rooted in their haites, and this for testimony of vword.

But now if vve vvil consider the factes that haue ensued about this matter, and how much blood hath bin shedd, and vwhat desperat at-
tempts haue bin taken in hand, by diuers na-
tions, for auoyding their subiection to strāgers,
or for deliuering themselues from the same againe, if once they haue fallen into it, you shal behold more plainly, the very impression of nature herselfe in this affaire, for of diuers barbarous nations, realmes & citties, we reade in stories, that they rather chose to flea & mur-
ther themselues, then to be vnder the dominio
of strāgers, others haue aduentured strang at-
temptes, & bloody stratagems, as the Sicilians,
who in one day and at the selfe same hower, at
the tyme of euening song, slew al the french-
men that vvere within the Iland, vvhom yet
themselues had called and inuited thither not
long before; and the like is recorded in our
Inglisch

Attempes
to deliuere
realmes
from
strāgers.

Quint.
Curt.li 5.
& 6.de
gest.
Alex.

Vespere
Siciliant,
an. 1265.
Leand. in
descript.
Sicilia.

Polyd. li.
3. Hol-
lings in
vit. Ca-
miti.

Inglis̄ stories of killing the danes, by Inglis̄ men, at one tyme, in most ruful manner, and the like was oftentimes thought on also by the Inglis̄ against the Normans, when they oppessed vs, and by the French against the Inglis̄ whiles we had dominion in France, though nether the one nor the other of these latter desirēts, could be effectuated, for want of forces, and commoditye, and by reason of the watchfulnes of the contrary part. But yet to speake only of France, the rage and fury of the french vvas generally so great and implacable, against the Inglis̄ that gouerned theare, in the reigne of king Henry the sixt, as both Polidor & other stories do note (at what tyme, partly by the dissentions of the houses of York & Lancaster in Ingland, and partly by the valour of their owne new king Charles the seventh, they had hope to be ridd of the Inglis̄ dominion) as no persuation or reason, no feare of punishment, no force of armes, no promise or threat, no danger, no pittie, no religion, no respect of God nor man, could repres or stay them from rysing and revolting euery where against the Inglis̄ gouernment and gouernours, murthe-ring those of the Inglis̄ nation in al partes and corners, whersoever they found them, without remorse or compassion, vntil they were utterly deliuered, of their dominion.

The con-
clusion
against
strangers.

So as this matter is taught vs (say these men) euен by nature her selfe, that strangers gouernment is not to be admitted, and moreouer the reasons

reasons before alleged against the king of Scotlands pretence , together vwith the examples and iudgements of the realmes of Spayne and Portugal,vvho resolued rather to alter the true order and course of their succession , then to admit strangers ouer them, do playnely confirme the same.

And last of al (say these men) the authoritie of holy scripture is evident, in this behalfe, for that vwhen God in Deutronomie,did foretell by Moyses,that the Iewes in tyme would come to change their gouernment, and to desire a king as other nations rounde about them had , he added yet this expresse conditiō, that he shoulde be only of their owne nation , for he sayeth. *Constitues eum quem Dominus Deus tuus elegerit de numero fratribus tuorum, non poteris alterius gentis hominem regem facere, qui non sit frater tuus :* that is, thow shalt make king at that tyme , such a one as thy lord God shal chuse for that dignity, out of the number of thy brethren , but thou mayst not make a king of any other nation, but of thy owne brethren. Thus say these men, against admitting of strangers, and it seemeth that their opinion and affection , hath many followers, for that generally we see most men affected and inclined this way.

But yet on the other side there wāt not other men vwho appeare bothe wise dis-passionate & graue, that vil seeme to consider this matter far otherwise, and do say,that al this, is but a common vulgar preiudice , of passionate men, against

Authori-
ty of scri-
pture
against
strangers.

Deut. 17:

The an-
sweare in
defence
of for-
mer
goue-
rnment.

against strangers, rysing partly by corruption of nature, vvhерby men are inclined to tkinke évil of others, and to beare them little affectiō, especially, such as gouerne and beare rule ouer them, and so much the lesse by how much farther of, they are from vs in kynted and acquaintance, and partly also they saye that the same riseth of lacke of dew consideration in the most parte of men, for that they weigh not the true reasons, causes, or effects of things, but only the outward shew, and so do runne away vvithe opinion and apprehensiō of the populer, which for the most parte hath no other ground or foundation in it but only fancy and imagination, or incitation of others, that indeuour to procure tumults, and so they say it falleth out in this pointe, as vpon examination it shal appeare.

And for prooфе and declaration of this their assertion, they do require first of al, that this ordinarie and common preiudice against strangers or strang gouernments, be laid a side, so long at least, as the matter is in disputation, and that only the true effects, of good and profitable gouernment may be cōsidered, without that other circumstance, whether these frutes do come from stranger or hom·borne prince, which effects are peace, rest, iustice, defence of the innocent, punishment of the wicked, vwealth, securitie, and other such benefites, that good gouernment is wont to bring with it, to the subiects. These things (say these men) are to be weighed

*The effect of government
to be considered &
not the
gouernour*

Vveighed indifferently and vwithout passion, by wisenmen, and vwhere soever these effects are more abundantly to be founde, their the gouernment is best, and their the subiects are in best case, vwhatsoever the gouernours be, or of what nation or country, soever they be. - And this they shew by this example following.

If in two countryes or common wealthes, An ex-
ample. lying nigh together, the subiects of the one, should liue in alease, vwealth and prosperity, vnder a strainger, as diuers states did vnder the Romans, and in the other they shold be beaten, whipped, and afflicted vnder a hom-borne prince, as vve reade the Sicilians were vnder Phalaris and Dionisius their countrymen tyraunts, cleare it is, (say these men) that the stripes and afflictions vwould not seeme the easyer, for that they come from a natural prince, but rather the heauier, and the others happye case vnder the strainger, must needs seeme to be the better, and consequently his gouernment rather to be wished: for that in very truth the goodnes & defect of euery gouernment, is to be measured by the effects there of, that redound vnto the subiects, for vvhose good it vvas first ordyned, as oftentimes our frend the Civil lawyer hath touched and proued before. And vwhen the subiects do liue vvel, and prosperously, are defended and maynteyned in peace, safte, and vwealth, when iustice is done equally to al men, the vvicked punished, and the good aduanced and rewarded: when God is honoured, and true

religion mainteyned, and vertue promoted; this is that vwhich importeth the realme & subiectes and not vwhere or in vwhat contrye the prince and his officers vvere borne, or of vvhac nation language, or kynted they be. For that, be the prince of vwhat linage or kynred soever, yet after he is once established in his dignity, the common subiect, can haue no more conuersation vwith him, nor receaue any more personal benefite of him, then if he vvere a meere strainger, except only by those commō and publique effects of his gouerment, before mentioned, for that so soone as he is placed in his dignitie, he becommeth a stranger to me, and if he gouerne euel and afflicte me, litle auayleth it to me, vvhether he be of my blood and country or no, and I may say as the people of Israel, in like case said vnto Roboam, vwho for that he vvas king Dauids nephew, and of the house of Isai, thoughte his state assured, for that he vvas their Lord and natural prince, and so might presse and afflicte them at his pleasure: but they answered him plainly. *Quae nobis pars in Dauid, vel quae hereditas in filio Isai,* what part haue vve in Dauid, or vwhat inheritance haue vve in the sonne of Isai, and so they left him, and rather chose to be vnder Ieroboam a stranger, and his seruant, then vnder him.

This then is the first pointe, which these men do demaund, to vvit, that vve consider equally and according to reason, wisdome, and truth, & without al partial affection, vwhere & by whō and

Lyle im-
porteth
the sub-
iect of
vwhat
country
his go-
uerour
is so he
be good.

3. Reg. 12

and by what gouernement vve are likest to receave, and enjoy the good and happie effects aboue mentioned, of prosperitie to the subiect: for that without al doubt (say they) that gouernment is to be deemed best, and that subiection happiest, vvhile those benifites are most enjoyed, let the prince or gouernour be of what nation or linage soever. And on the other side, that must needs be the vvoorst gouermēt vnto me, vvhile I shal reape fewest and participat least of those effects, be the prince neuer so much my country man or kinsman, and though he were borne in the same citie, towne, or house, yea in the same belly with me. As for example those men that liued (say they) in Spaine vnder king Peter the cruel, or in Ingland vnder king Richard the third, commonly called the tyrant, what did it auayle them, that those princes vvere of their owne country or blood, seing they did that vnto them, vvhich a stranger though neuer so barbarous, would scarce haue done? As in like manner, al those noble houses before mentioned in our country, of the dela Pooles, Staffords, Plantagenets, and others destroyed by king Henry the eight, what auayled them, that the said king was not only their country man, but also their neare kinsman, what profit or commodity vvas it vnto Thomas of woodstock, duke of Gloucester, that he liued vnder a king that was his nephew, to wit, king Richard the second, or to George duke of Clarence, in king Edward the fourthes tyme,

Not the
country
but the
good go-
uernmens
teth.

Note,
these
examples.

that the said king vvas his owne brother, when both of them vvere pursued, disgraced, and put to death by them, and lost their liues, landes, dignities, goodly possessions, stately manners, & gorgeous houses, vwith their wiues, children, & al other felicities of this world, vwhich perhaps vnder a strainge prince, they might haue enjoyed many a fayre day and yeare.

**Vvhō are
properly
straingers** This is that then vwhich these men do first require, to vvit that al fansie and fonde opinioſ of the vulgar people, be aparted in this matter, from truth and substance, as also say they, vve ought to desire and determine vvhō are properly straingers, or forrainers, ſeing that ſome do take for straingers and forayners, al thoſe that are not of the ſame dominion and gouer-mente, though otherwise they be of the ſame nation, and language, according as thoſe other men that are enimyes to straingers, ſaide a little before (if you remember) that the princes of the house of Guyſe, and their kynred are taken for straingers in france, by them that by that meanes, would make them odious to the peo-ple, for that their ancestors in tymes paſt came out of Lorayne, vvhich is a prouince ioyning hard vpon france, of the ſame nation, lāguage, and manners, but only vnder an other prince. And ſo I my ſelfe noted in my traueling throughē Italie, that the Floratines are hated & called straingers in Siena, vwhere they gouerne, albeit the one ſtate be not 30. myles from the other, and both of one nation language man-

ners and education. And on the contrary side, vve shal se, that some of different language & nation do hold them selues for country men, as for example, the Biscayns in Spaine, do not hold the Castilians for straingers, but are contented to be ruled by them, as by their owne countreymen, albeit they be a different nation and haue different language and manners, and the same I do note in the Britaynes and Normans towards the French, in the welsh also towards the Inglis h, vwho are a different people and of different language, and yet are they gouerned peaceably by the Inglis h, & the Inglis h againe do accompt them for their countrymē, as may appeare by that, vwhen king Henry the seventh, came to be king of Ingland, I do not finde, any resistance made against him by the Inglis h, for that respecte that he vvas of that nation, as evidently he vvas by his fathers side, that vvas of the Tidders of vvales, so as this pointe also vwho be straingers and vwho be not, seemeth to be a thing that dependeth much of the opinion and affection of each people & nation, the one towards the other.

And this being so, these men come to treare more particularly of the purpose in hand, and do saye that in two or three manners a nation may come to be vnder the gouernment of straingers or forrayners, first as a prouince, that is to saye as a peece or member of an other dominion, as Ingland vvas in tymes past vnder the Romans, and as Ireland is vnder Ingland at

Divers
manners
of being
vnder
straingers.

this day and as the Brittons are vnder France, and as many states of Italie, be vnder the crownes of Aragon, and Castile. And this may come to passe either by Conquest and force of armes, as the Welsh came to be vnder the Inglysh, and the Inglysh to be vnder the Normans and Danes, and as Sicilia and Naples came to be vnder the Spaniards, and as Normandye and Aquitaine came to be vnder the French, & as almost al the world in old tyme was brought to be vnder the Romans: or otherwise the same may come to passe by inheritance, as Aquitaine and Normandie in tymes past came to Ingland, & as Flanders vwith the states therof came to the house of Austria, and as Britany to the crowne of France, or els thirdly it may happen by mixt meanes, that is to say, partly by force and partly by other meanes of composition, as Millâ came to Spayne, and Ireland to Ingland, according as the Irish do hold, and so Portugal hath in our dayes come to the king of Spaine, for that besides his pretence and right of inheritance, he vsed also force of armes for getting the same.

To be vnder
der Stran-
gers by
Conquest. Of al these three wwayes then evident it is, that Conquest is the hardest, and most preiudicial to the subiects, for that theare al standeth at the wil and clemency of the Conqueror, vvhom either anger or feare, or ielosie of his assurance, may often drieue to hold a hard hand ouer the conquered, at least vwise for a tyme, vntil his estate be better settled, so that I mar-
uaile,

uaile not though no people or country com-
monly would willingly be conquered, but yet
pollicye also teacheth such a Cōqueror, vwhat-
soeuer he be, that as on the one side, it beho-
ueth him to be watchful & so to fortyfie him-
selfe, as the vnquiet can do him no hurt, so on
the other side, is it necessarie by the same rule of
pollicie to vse al fauour and sweete meanes to
content & gayne those that be or may be made
quiet, for better establishing of his state, euē
as a Phisition after a vehement purgation, doth
minister lenitius and softe medicines, to
calme and appease the good humors left, and
to strengthen the vwhole body againe that it
may hold out.

This we see to be true, not only by reason of Hovv Cō-
state and pollicy, as hath bin said, but also by Conquerors
doe pro-
ceede to-
vwards the
Conque-
red,

experience of al countries, that haue bin con-
quered in Europ or other where, if the conti-
nual resisting and reuolting of those that are
conquered, do not cause a contrary course in
the Conqueror, as it did in the conquest of the
Danes and Normands vpon the English, and
in the conquest of the English vpon the Bri-
tish or Welsh, vwhere the often rysing of them
that were ouercome, enforced the vanquishers
to be much more cruel and rigorouse thē other
vwise they would haue bin, for al our stories do
testifie, that king Sweno the Dane and much
more his sonne, king Canutus, as also William
conqueror, had a great desire after their victo-
ries, to haue appeased, and made much of the

Inglysh nation, but that they vvere neuer quiet vnder them, and so in like manner the Inglysh kings oftentimes gaue their daughters in mariage to the princes of Wales, and many priuileges to that people, therby to gayne them, but that their continual reuolting caused much feuerity and bloodshed to be vsed, and the like feuerity did it cause oftentimes in the very Romans towards the said Britaynes conquered.

Clemēcie
of the
Romans.

Lib. 1.
Machab.
cap. 8.

But vwhere the people vanquished vvere content to be quiet and submit themselues, their thesaid Romans vsed al fauour and moderation, so as it is written of them in the first booke of Machabeis. *Et audiuit Iudas nomen Romanorum, quia sunt potentes viribus, & acquiescunt ad omnia quae postulantur ab eis,* that is: And Iudas Machabeus hard the name and fame of the Romans, how they vvere potent in strenght, and yet so gentle, as they yeilded to al that was demaunded at their handes.

And finally their gouernment vvas so iust, considerat, sweete and modest, vpon al forrayne nations, vwhich they had conquered, as it alured diuers nations to desire to be vnder them, and to be ridd of their owne natural kinges, as of the subiectes of Antiochus, and Methridates kings of Asia and of Pontus, vve do reade, and some other princes also therby to gratifie their subiects, did nominate the Roman Empire, for their successor, as did king Attalus king of Pergamus, and Ptolomie of Aegypt, and others, and it is the common opinion of lerned men that

the world vvas neuer more happelie gouerned, then vnder the Romans, and yet vvere they strangers to most of their subiects, ouer vwhich they gouerned, and vnto whom they were most strangers, that is to say, vnto such as were furthest of from them, to those dyd they vse alwayes most fauoures, and gaue them most priuileges, as bothe wisdome and reason of state did require, for that thosc people had most ability to rise against them, and to rebell, so as this circumstance of being strangers, hurted them nothing, but rather profited them much.

The like rule of pollicy and of state, haue al great Monarchies vsed euer since, that is to say, to shew most fauour to such subiects, as be most strangers, and fardest from them, and on the contrary side, if any be to be pressed more then others, to presse and burthen them most, that be most natural and neerest home, & most vnder and in subiection, and surest to obey, and this is euidently scene, felt, and practised by al the great states this day of the world, so as it cannot be denied. For if we looke but into france, vve shal finde that the states of Gascony and Guyne, which are furdest of from the court, & were once strāgers & gotten by force, from the Inglis h, do pay far lesse tributes at this daye to the French kinge then thosc that be of the Ile of france it selfe, and are proprely french, and in like manner, the Britons, which came to that crowne by marriage, and vvere old enimies, do pay much lesse yet then the Gascoyns, and in a

Strangers
most fa-
uoured to
vise
gouer-
ments.

manner do paye nothing at al, and the Normans do pay some what more then any of the two, for that they do lye somwhat neerer to Parris, and therby are more in subiection to the prince, though yet they pay lesse then the natural Frenchmen. The Candians also which is an Iland, a part, and standeth vnder the Venetians, do not pay the third part of the impositions (as by my owne information I lerned when I traauled Italie) that do the natural subjects of the Venetian state in Italie.

States of
Italie.

What shal I say of the kingdomes and states of Naples, Sicilie, and Millan, subiect to the king of Spaine, and gotten by conquest, as hath bin laid, and yet pay they no one penny of that ancient great imposition vsed in Spaine, called the *Alcaualla* which is the tenth penny of al that is bought and sold, nor are they subiect to the Inquisition of Spaine (at least Naples and Millan) nor to many other dutyes tributes and impositions vwhich the natural spaniard is subiect vnto, nor is their any law or edict made in Spaine that holdeth in those countries, except it be allowed ratified and confirmed by those states themselues, nor may any of their old priuileges be infringed, but by their owne consents, and when the king requireth any extraordinary subsides in Spaine, they beare no part therof. Whervpon these men do aske, vwhat it hurteth these states, that they ar estrangers, or vnder straingers, or vwhat priueledge is it to the spaniard at home, that he is, only vnder his home

his hom-borne king, if he receaue lesse benifits by that, then doth the strainger.

And is not the like also vsed by the state of ^{The con-}
England towards Ireland, are not the fauours ^{dition of}
and indulgences vsed towardes the ciuil Irish ^{Irish vn-}
that live in peace much more then to the In- ^{der the}
glis h themselues in Ingla d? For first, their taxes ^{Inglis h.}
and payments be much lesse, the lawes of In-
gland bynd them not excepte they be allowed
and receaued by their owne parliament in Ire-
land. For matters of religion, they are pressed
much lesse then home-borne subiects, albeit
their affections to the Roman religion, be
knowne to be much more vniuersal, then it is
in Ingland. In al criminal affayres & punishing
of delictes, the manner of proceeding against
the Irish is much more remisse milde & gētle,
then with the subiects of Ingland, so as their
being strangers, semeth rather a priuilege then
a hindrance vnto them.

But in no other country is this thing more ^{of the}
evidently to be considered, then in the states of ^{states of}
Flanders & low countryes which by inheritance ^{Flanders}
(as hath bin said) came to be vnder forayne
gouermēt but so much to their good & aduan-
cement (& that in a very few yeares) as scarce is
credible, except to him that vnderstādeth their
former state, vvhē they were vnder their hom-
borne princes, & do cōpare it vwith that which
after they came vnto, vnder the house of Au-
stria, vnitied vnto the crowne of Spaine.

For before, for many hundredth yeares, a man
shal

shal read nothing almost, in their storyes, but warr, sedition, and blood shed among them selues, and this either, one state whith an other before they were vnted together, al vnder one prince, or els with the kingdome of France, of whom in those dayes they depended, or els (and this most of al) agaynst their owne Princes, of whom some haue bin so feare and cruel vnto them, as they haue shed infinite quantity of their blood, and among others, I
 Girard du
 Hailan
 lib. 18. au.
 3381.

read of their Counte Luys, that in one day, he put to death, fие hundred of them by sentence of iustice in Bruxelles, and an other day within the same yeare, he caused about a thousand to be burned to death in a churk of the towne of Neuel, besides infinite others whom in diuers battailes and skirmishes he slew, so as often tymes the country lay almost desolate, through their domestical afflictions.

Prosperity
 of Flan-
 ders vni-
 der the
 howse of
 Austria.

But now since the tyme that the states came to be vnder Phillip the first, Archduke of Austria, and after king of Spayne, and so remayned vnder his sonne Charles the Emperor, and his nephew Phillip the second, that now liueth, vntil the late troubles and rebellions (which was about the space of fifty yeares that they so continued in peace before their rebelliō) it is almost, incredible how those states increased in wealth, peace, and dignitie, so that as Guyciardin the Italian historiographer notes, in his description of those countreyes, the whole wealth and riches of the world seemed to flow

Io. Guicciard. nel-
 la deser-
 tione
 delli passi
 bafi.

to flow thither, and I my selfe can remember to haue seene such exceeding abundance in very ordinary men of this country, both for their dyet, apparel, furniture of house and the like, as was wonder ful, besides that for their nobilitie they were al great Princes, for that euery one had his prouince or great towne in gouerment, which they ruled whith that pompe and honor, as if they had bin absolute lordes themselves, by reason of the farr distance of their Supreme Prince, and so they were receaued whith publique honor of al citties and townes & their charges borne wheresoeuer they passed, as such high estates are wont to be.

And albeit they had euer commonly a strain-
ger for Supreme gouernor among them vnder
their kinge, which bare the name to be aboue
them, yet did he in deed nothing but as they
would haue him, and this partly for that his
time of gouerment being but short, he alwaies
attended principally to gett the good willes of
the people, and to hold them contented, and
therby to be grat ful to his king at his returne
home, and partly also for that if he should
attempt to do any thing against their myndes
and liking, they made reply by their pres-
ident and Chancellor and other of their owne
Councelors, residing for the Flemish nation in
the court of Spayne (for this nation hath al-
waies a particuler councel ther about the king
as al other forayne nations also haue, that are
vnder him) and by this meanes they obreyned
lightly

The au-
thority of
the Fle-
minges at
home.

lightly what they would , and brought the go-
uernor to what they pleased , so as in effect they
were absolute kings in themselues , & wrought
their willes in euery thing , & this in that tyme
while the country was quiet .

The in-
dulgence
vsed to
offenders
in Flan-
ders.

But now since their revolt which hath in-
dured almoſte theſe foure or fife and twenty
yeares , what hath ſucceeded , ſurely their hath
not a quarter ſo many bin puniſhed , or put
to death in al theſe yeares by order of Iuſtice of
their king abſent , as before I haue ſhewed that
there were in one day , by their owne earles and
dukes , when they were preſent , & that vpon
far leſſe occaſion and cauſe giuen , then are
theſe , for if we take away the two noble men
Egmond and Horne , put to death at the be-
ginning of theſe Flemiſh troubles by the duke
of Alua (for which ſome men ſay alſo that he
had no thanke afterward by the king) no man
of importance hath bin ſince exectuted , and the
cheeffest townes that haue bin and are agaynſt
the king in Holland and Zeland , are ſuffered
vntil this day , to traffique freely into Spayne ,
and yet we know that for a little beginning of
a certayne tumult this laſt yeare paſt in Spayne ,
it ſelue , to wit in the kingdomme of Aragon ,
many headeſ haue bin ſtroken of , and much
iuſtice done , where of then riſeth this diſſerēce
no doubt for that the Flemmings are ſtrain-
gers & far of , and the other neere at home &
natūr al borne , ſo as this circumſtance of being
a ſtranger and dwelling far of doth them great
pleaſure ,

pleasure, and giæth them priuilege aboue the
homborne subiects.

The like I might shew for this matter of punishment in the fore said states of Italie, where if a man do compare the number of them that were put to death pulled downe, or afflieted by order of Justice, and other wise at the commandement of the Prince, in tyme of their owne home-borne kings, with that which hath bin since, especially of the nobility, you shal not finde one for twenty, and the reason of this is, for that their owne kings were absolute, and had to giue accompt to no man, of their doings, and for that they were men, and had their passions and emulations with the nobilitie, and might put the same in execution without accompt or controlment, they pulled downe & set vp at their pleasure, and made oftentymes but a iest of noblemens liues and deathes, but now these that are gouernours & viceroyes for a forraine prince, first they haue not so great authority or comission, as to touch any such principal persons liues, whithout giuing relation therof, first vnto their king & councel, and receave againe particuler order for the same, and then they knowing that after their three yeares gouernmēt is ended, they must be priuate men againe, and stay their 40. dayes as subiects vnder the next new gouernour, to giue a reckoning of their doings against al that shal accuse them (which in these countryes they call to make their residence) they take heedes

The Spanish
iard pu-
nial hath
lesse in
Italie than
neerer
home.

Viceroyes
do giue
accompt
of ther
gouern-
ment.

heede what they doe , and whom they offend ,
so as the condition of nobility , is far different
vnder such a strainge gouerment, as this is ter-
med, then vnder a natural Prince of their owne
country which oppresseth them at his pleasure.

Much
slaughter
of nobili-
ty in In-
gland.

But now to draw neir homward , if we wil
examine and considerer what hath passed in
Ingland in this point of massacring our nobi-
lity , by our domestical Princes , it is a matter
lamentable , for it may seeme that they haue
serued oftentymes for our Princes to make
disport & to play whith their heades. And to
let passe al those, which in tyme of warres, re-
bellions, & comotions, haue bin cut of, which
occasions may seeme more iustifiable, I do read
also in our chironicles that , a *Sangue freddo* , as
the Italian sayth , that is to say , in tyme of
peace and by execution of iustice , at the Prin-
ces appoyntment , these noblemen following
and knyghts by name, were put to death, with
in the space of one fие yeares in king Henry
the fourth his dayes. The duke of Excester,
the duke of Surrey, the Archbisshop of Yorke,
the earles of Salisbury , of Gloucester , of
Worcester and of Huntington, The earle mow-
bray earle marshal. The Baron of Kinderton
S.Roger Clarington, bastard sonne of Edward
the black Prince. S.Thomas Blunt, S.Barnard
Rocas, S. Richard Vernon. And agayne soone
after vnder king Edward the fourth, in almost
whith in as little space. The dukes of Somerset,
and of Excester, The earles of Deuonshire , of

Oxford

Oxford , and of Keyns. The Lord Rosse, the Lord Molyns, S. Thomas Tudingham, S. Philip Wentworth, S. Thomas fyndam, and many others afterward, (for this was but at the beginning of his reigne (which number of nobility if a man I should haue seene them aliue together with their traynes , before they had bin put downe, he would haue said they had bin a very goodly company , & pitiful that so many of our owne nobilitie I should be brought by our own Princes to such confusion.

But yet this matter may seeme perhappes the lesse maruelous , and more excusable , ynder those two kings , for that troubles and contentions had passed a little before in the realme, about the succession , and heervpon so many of the nobility might be cut of , but let vs see then what ensued afterwards , when thinges were establisched and al doubt of contention about the succession taken away , as in king Henry the eight his dayes it was , and yet do I finde registred in our chronicles these persons following either made away cutt of , or put downe , by the said king, to wit, two Queenes Anne and Catherin , Three Cardinales put downe and disgraced Wolsey, Poole, and fysher, vtherof the last vvas behedded , soone after his dignity giuen him in Rome , and the first vvas arrested, the second attaynted of imagined treasons. Three dukes put downe, to wit , the noble dukes of Buckingham , Suffolk and Norfolk , wherof the last lost his lands dignities

and libertie only , the former two both Landes & liues. A marques with two earles beheaded, Deuonshire , kyldare, and Surray, tvvo Countesses condemned, to dye, Deuonshire and Salisbury, and the latter executed: Lordes many, as the Lorde Darcy , the Lorde Hussy , the Lorde Montagne , the Lorde Leonard Gray, the Lord Dacres of the south, the Lord Cromwel, and six or seuen Abbots. Kinghtes also in great number , as fife in one day , vwith the Lords Hussy , and Darcy , and fife in an other day, with the earle of kildare whose uncles they vvere, and besides them, S.Thomas Moore , S. Rice Griffith, S.Edward Neuel, S.Iohn Neuel, S. Nicholas Carew, S. Adrian fortescue , and diuers other kinghts of great accompt & then gentlemen almost vwithout end.

Vnder
King Ed-
ward and
Queene
Mary.

And al these within the space of 20.yeares, of his reigne, and in the tyme of peace , and yf we looke vpon but fower or fife yeares together of the reigne of this mans children , we shal see the like course continued, for we shal see put to death within the space of foure yeares, al these following by name , The duke of Somerset, the duke of Suffolk , the duke of Northumberland , and the L. Admiral of Ingland, S.Miles Partrige, S.Raphe Vane , S. Michel Stanhope , S. Thomas Arondel , S. Iohn Gates, S. Thomas Palmer kinghtes, with diuers other gentlemen of there retinew , and al these by natural,domestical, and homborne Princes, whereas I dare to aduenture , the greateſt vvager

wager that I can make that you shal not finde so many put to death of the nobility , by any strainge Prince, state, or common wealth chris- tian , in any forrayne dominion that they pos- sesse , in many ages together , and the reason therof is euident, by that I said before , neither were it pollicy or wisdome , nor could the cau- ses be so often , nor ordinarily giuen by the no- bility to a Prince that were absent from them to vse suche seueritie, so as by this it may also appeare, that to be vnder a forraigne gouernment eu'en in the woorst kinde therof , that can be deuised , which is to be as a prouince or peece of an other kingdome , and to come vnder it by very conquest it selfe, is not so dangerous a matter , as at the first shew it may seeme , and much lesse to be vnder forraigne gouernment, by other sweeter meanes off successiōn, or compo- sition, as the present case of Ingland seemeth to import , in respect of those foraine Princes which do pretende to the succession therof.

And this is not only shewed and declared by the state and condition of Flanders , before their tumultes, but in like manner it is seene, by the present state of Britanie, Normandie, Aqui- taine , Prouence , and other dukedomes and countries in France , that were wont to haue their owne particular Princes , and nowv are much more commodiously, vnder the crowne of France. The like is seene by the states of Naples, Millan, Sicilie, Sardinia & other parts and countryes of Italie, which were wont to be

vnder kings and Princes of their owne, and now are vnder the crownes of Aragon and Castile, with infinite oddes of peace, rest, security, and welth, then they were before when they had domestical Princes, and so themselues do confesse, I meane the wise & dis-passionate among them, (for of the vulgar in this case no accompt is to be made) and if they should deny it, yet the thing speaketh it selfe, and the publique stories of their countryes would conuince them, wherin it is to be read, what Phalaris, what Dionisius, & other homeborne tyrants, Sicilie (for example) hath had and suffred, and what infinite crueltie they and diuers others of their owne gouernours, haue exercised vpon them, as also what continuall turmoyles there were in the cittie of Naples & in all that kingdome for many yeares together, after it fel from the gouerment, first of the Roman Empire, and then of the Grecian, vntil it came to the crowne of Aragon, I meane betweene their owne domestical kings, now of the bloode of Italians, now of the Normans,

Old affiliations of Naples & Millan. now of the Hungarians, & now of the french, (for of al these lines, their haue reigned among them) and the realme was a perpetual pray to souldiars, and the very like may be said of Millan, after their fal from the Roman Empire, (vnder which they liued quiet & prosperously) vntil they came againe to be vnder the crowne of Spayne, they passed infinite tribulations, first by the contention of their common people against

against their nobility , and then by the bloody falling out of their chiefe families, the one against the other, to wit the *Furiani, Visconti, Marcelli, Mirabelli, Castilioni, and Sforzi* (which familie last of al preuayled) he I say that shal remeber this , and then behold the present state with the quiet peace, saftie , and riches wherin they now liue , wil easely confesse , that they haue changed for the better , though they be vnder forraine gouerment , and thus much of this pointe.

Their remayneth to speake a woord or two vVhether about the second part of the question , before proposed and included partly in this which al- ready hath bin treated , to wit , whether it be better to be vnder a little or great king , which question though it may be decided in parte by that which before hath bin alleaged , about being vnder a forraine Prince , yet more parti- cularly to make the same playne , these men do saye , that the reasons be many and euident to proue , that the subiectio[n] to a great & mightie monarch , is far better: first for that he is best able to defend and protect his subiects , and seconde[n]ly for that he hath least need ordinarily to pill and pole them , for that a little king , be he neuer so meane , 'yet must he kepe the state of a king , and his subiects must maynteyne the same , and if they be but few , the greater vvil the burthen be of euery one in particular , and thirddly , for that a great and potent Prince , hath more to bestow vpon his subiects for reward

of vertue and valour; then hath a poore Prince, and seing that euery particuler subiect , borne within his Princes dominions, is capable of al the preferments vwhich his Princes state or kingdome do yeeld , if he be worthy of the same, it is a great prerogatiue(say these men) to be borne vnder a potent Prince , that hath much to giue , vwhich they declare by this example followyng.

An examplē to shew the former difference. A man that is borne in the citie of Genua or Geneua/for both are cityes and states within themselues(let him be of vwhat ability or worthines soever , yet can he hope for no more preferment , then that common vwealth and state can giue , and if their should be many vworthy men borne their at one tyme , then were this his condition vvoorse, for then must he part also vwith other men , though their were not sufficient for himselfe , and the most he could aspire vnto , if he vvere an ecclesiastical man, were the greatest benefice within that state; and on the other side,if he vvere a temporal man, he could not hope for much, for that the state hath it not to bestow , but an other that is borne vnder a great monarch , as is the king of France or Spayne , in these our dayes, that hath so many great bishoprickes (for example sake) and other spiritual lyuings to bestow vppon the cleargie , and so many high gouernments and employments , both of vvar and peace , to giue vnto temporal men that can deserue the same; this man (I say) hath a great

great aduantage of the other, in respect of preferment at this day , but much more was it in old tyme, to be borne vnder the Romā Empire, when it had the preferments of al the vworld to bestow, for that every subiect therof , vvas capable of al the laid preferments, so far fourth as he could make himself vworthy, and deserue the same. For better explicatiō of vwhich point yet, I haue thought good to cite in this place, the woordes of a certaine learned knight, that in our dayes hath written the liues of al the Roman Emperors, and in the life of one of them , that vwas an excellent gouernour , named *Antoninus Pius* the said knight hath this discourse ensuinge.

Pedro
Mexia en
vit. de
Antoni-
no Pio.

Their vvas in this mans gouerment (said he) , great contentment and ioye on al hands , great , peace and quietnes , and very great iustice , and , truly it is a thing vvoorthy in this place to be considered, what vvas the humane power and how infinite the forces of the Roman Empire gouermēt at this day , and how great vvas the libertie , quietnes , securitie , welth and contentment of the subiects that liued vnder that gouerment , when good Princes had the menagetherof , as vvas this Antoninus and his sonne Aurelius , that followed him , and as vvere Adrian , Traian , and diuers others. What a thing was it to see their courtes frequented freely , by al the noble valiant and lerned men of the vworld, to see the vunion and frendly dealing of different nations together , when al serued one Prince , so as a

, man might haue gone ouer the vvhole vvorlde,
, or most and beste partes therof , vwith al se-
, curity , and without al feare , al nations and
, countreyes being their frends , neyghbours ,
, or subiects , nether vvas their neede at that
, tyme of any pasports or safeconductes, nor
, of so often change of coyne, to trauaile, as nowe
, their is , nether yet were their new lawes euery
, foore, as nowe be founde in different countreyes ,
, neither vvas their danger of enimies , or to be
, taken prisoners , and captiues , nor could any
, malefactor do a mischief in one country and
, flie into an other, ther-by to be free from pu-
, nishment , and he that was borne in the very
, Orcades or furthest parte of Europe was at
, home though he vvere in Africa, or Asia, & as
, free denizen as if he had bin borne their, mar-
, chants also might passe at that daye from
, country to country, vwith their marchandize ,
, vwithout particular licences or feare of forfeits ,
, and finally the temporal state of a subiect vvas
, vvonderful happy, at that tyme.

Thus far discourses that learned knight , &
no doubt but that his discourse and considera-
tion is founded in great reason , and he that
wil leaue at this day , the many commodities ,
of being vnder a great and potent Prince , (if it
lye in his owne hands to chuse) for this only
circumstance that he is not borne in the same
country vwith him, is a man of smale iudgment
and capacitye in these mens opinion , and mea-
sureth matters of publique vtility , vwith a
false

false vvaignt of fond affection,

And thus much may be sayd of the first waye
of being vnder strangers and forayne gouer-
ment, which is that, which vulgar men do
most abhorre and inueigh against, to vvit, to be
vnder a forraine Prince, that liueth absent and
ruleth by his gouernours.

But besides this, their is an other manner of
being vnder a forraine Prince, as vwhen an
allien Prince cometh to dwel among vs, and
this by either of two vwayes, to vvit, that either
this Prince cometh without forces, as did king
Stephen, and king Henry the second, that
were frenchmen, as hath bin saide, and came
to liue and gouerne in Ingland, but vwithout
external forces: and as king Phillip of Spayne,
came afterwards when by marriage of Queene
Mary he became king of Ingland: and as the
last king Henry the third of France vvent into
Polonia, by the free election and invitation of
that nation, and as his brother Monsieur Fran-
cis duke of Alenson, should haue entred after-
vvard to haue bin king of Ingland, if the mar-
riage pretended betweene her maiestie and
him had gone forvvard and taken effect, as
many thought once that it should. This I say
is one way, and an other is, that this Prince do
bring forces vwith him, for his owne assurance,
and these either present, as the Danish kings
Sveno, Canutus, Haraldus, and Hardicanutus did,
and as after them the Norman Princes also
vsed, I meane not only William Conqueror,

The secōd
vwaye of
being vnder a for-
raine
Prince.

himselfe, but also his two sonnes Willia Rufus, and Henty the first, who either by help of the Normans, al ready in Ingland, or by others brought in by them afterward, vvrought their vvil, or els that this Prince so entring haue foraine forces, so at hand, as he may call and vse them vwhen he vvil, for that they haue no sea to passe, vwhich is the case of the king of Scotts, & of both these waies these men do giue their sentence distinctly.

A foray- For as concerning the former vvay, vwhen a
ne Prince forraigne Prince entereth vwithout any forces
vwithout atal, and with intention to liue among vs, they
forces not hold, that their is no danger, nor yet any in-
preudi- cōuenience can iustly be feared: for that in this
cial. case he subiecteth himselfe, rather to the real-
 me, and nation, then they to him, and if he liue
 and marry in Ingland, both himselfe and his
 children, wil become Inglis h in a little space.
 And for his owne assurance he must be infor-
 ced to fauour, and cheris h, and make much of
 the Inglis h nation, and be liberal gentle, and
 frendly to al, for gaining their good willes and
 frendship. And in one very great and impor-
 tant pointe, his condicion is different, and
 better for the Inglis h, then any Inglis h kings
 Note this
 vutiltie of
 a forayne
 king. can be, which is, that he entreth vwith indiffe-
 rent mynde towards al men, hath no kynred
 or alliance within the land, to whom he is
 bounde, nor enimye against whom he maye
 be inticed to vse cruelty, so as only merit or de-
 merit of each mā, must moue him to fauour or
 disfauour,

disfauour, which is a great foundatiō (say these men) of good and equal gouernment.

Agayne they say, that in respect of the state present of Ingland, and as now it standeth, and for the publique good not only of the common subiects, but also of the nobility, and especially and above others, of the English competitors and pretendors that cannot al speede, no vway vvere so commodious, as this to avoid bloodshed, to wit, that some external Prince of this tyme, shoulde be admitted vpon such compositions and agreements, as both the realme shoulde remayne whith her ancient liberties, and perhapps much more then now it enioyeth (for such Princes commonly & vpon such occasions of preferment, vvould yeeld to much more in those cases then a homborne Prince vvould) and the other pretenders at home also, shoulde remayne vvhith more security then they can wel hope to do vnder any English competitor, if he come to the crowne, who shalbe continually egged on by his owne kynred, and by the auersion emulation and hatred, that he hath taken alredy by contention against the other opposite houses, to pul them downe, and to make them away, and so we haue seene it by continual examples, for many yeares, though no occasion (say these men) hath euer bin offred to suspect the same so much as now, if any one of the home English blood, be preferred before the rest, and this is so much as they say to this second kinde of being

**A third
way of
being un-
der for-
raigne go-
uerment**

being vnder forrayne Princes. To the third, they confesse, that it standeth subiect to much danger, and inconuenience, to admit a forayne Prince, to liue among vs, with forces, either present or so neere, as that without resistance he may call them when he listeth, and of this their needeth no more prooфе (say these men) then the examples before alleged of the Danes and Normans, and the misery and calamity which for many yearee, the Inglis h passed vnder them, and further more the reason heeroſ is euident, say these men, for first in this third kinde of admitting a strainger king, we are depriued by his dwelling amongest vs, of those vtilities before mentioned, which Ireland, Flanders, Britanie, Naples, and other states, enjoy by liuing far off from their Princes, which commodities are, much more libertie, and freedome, leſſe payments, leſſe punishments, more imployments of the nobility and others in gouerment, and the like. And secondly, by his comming armed vnto vs, we cannot expect those commodities, vvhich before I touched in the second kynd of forraigne gouerment, but rather al the incommodities and inconueniences that are to be found either in domestical or foraine gouernments al (I saye) do fall vppon this third manner of admitting a stranger, as easilly ſhalbe ſene.

For firſt of al the greatest incommodities that can be feared of a domestical Prince, are, pride, crueltie, partiality, pursuing of factions, and

and particular hatred, extraordinary aduansing
of his own kynred, pressing, pynching, and ouer
rigorous punishing of his people , without
feare , for that he is euer sure of his partie to
stand whith him within the realme, and so
hath he the lesse respect to others , and for that
al these inconueniences , and other such like,
do grow for the most part, by the Princes con-
tinual presence among his subiects , they are
incident also to this other, though he be a
strainger, for that he is also to be present, and to
liue among vs , and so much the more easely he
may fall into them , then a domestical Prince,
for that he shal haue both external couélt of a
people that hateth vs , to prick him forward in
it, as also their external power to assist him in
the same, which two motiues euery domestical
Prince hath not.

Agayne they say, that the woorst & greatest
incommodities of a forraine gouernment, that
may be feared , are, tyranny and bringing into
seruitude , the people ouer whō they gouerne,
and filling of the realme with straingers , and
deuiding to them, the dignities, riches and pre-
ferments of the same, al which they say, are inci-
dental also by al probability to this third kinde
of forraine gouermēt, where the Prince strain-
ger lyueth present and hath forces at hand to
woorke his vvil, and this is the case, say they, of
the king [of Scotts , who only of any fortaine
pretender, semeth may iustly be feared , for
these and other reasons alleaged before , when
we talked

we talked of his pretence to the crowne.

To conclude then, these men are of opinion, that of al these three manners of being vnder straingers, or admitting forraine gouernments, this third kynde peculiare as it vvere to the kinge of Scottes case, is to be only feared; and none els, for as for the second they say that it is not only not to be feared, or abhorred, but rather much to be desyred, for that of al other sortes, it hath the least inconueniences, and most commodities, for which causes, we read and see, that wher kings goe by election, commonly they take straingers, as the Romans and Lacedemonians did often at the beginning, and after the beginning of the Roman Monarchie, their forraine borne Emperors, were the best and most famous of al the rest, as Traian and Adrian that were Spaniards, Septimius Seuerus borne in Africa, Constantine the great natural of Ingland, and the like, and the very woorst that euer they had, as Caligula, Nero, Heliogabolus, Commodus, and such other like plagues of the weale publique, were Romans, and in our dayes, and within a few yea-
res, we haue seene that the Polonians, haue chosen three kings straingers, one after an other, the first Stephen Battorius Prince of Transiluania, the second Henry of France, and last of al the Prince of Swecia, that yet liueth, and the state of Venetians by way of good pollici, haue made it for a perpetuall Law, that when they haue warr to make, and must needs choose

Strang
gouer-
nours de-
fied in
some Re-
umes.

choose a general Captayne , and commit their forces into his handes, he must be a stranger, to wit, some Prince of Italie, that is out of their owne states , heerby to auoyde partiality , and to haue him the more indifferent , and equal to them al , which yet so many prudent men vwould never agree vpon, if there vvere not great reason of commodities thetin , so as this point is concluded, that such as speake against this second kinde of hauing a forrayne Prince, speake of passion , or inconsideration , or lacke of experience in matters of state and common vvealthe.

As for the first manner, of being vnder forayne gouernment , as a member or prouince of an other bigger kingdome , and to be gouerned by a deputie , viceroy or strange gouernour , as Ireland, Flanders, Naples, and other states before mentioned be , vwith certayne and stable conditions of liberties, and immunitiess, and by a forme of gouernment agreed vpon on both sides, these men do confesse also, that their may be arguments, reasons , and probabilities alleaged on both sides, and for both parties ; but yet that al things considered and the inconueniences, hurtes, and dangers before rehearsed , that subiects do suffer also oftentimes , at the handes of their owne natural Princes , these men are of opinion , for the causes alredy declared, that the profites are more and far greater, then the damages or dangers of this kynde of forrayne gouermēt are, and so they do answere, to al the

al the reasons and arguments alleged in the beginning of this chapter, against forraine gouernement, that either they are to be vnderstood and verified only of the third kinde of forraine gouernment before declared, (which these men do confesse to be dangerous) or els they are founded for the most parte, in the error and priudice only of the vulgar sorte of men, who being once stirred vp, by the name of stranger, do consider no furder vwhat reason or not reason there is in the matter, and this say these men, ought to moue vvise men litle, for as the common people did ryse in tumult against the french (for example) in *Sicilia*, and against the Inglysh in France, and against the Danes in Ingland, so vpon other occasions, would they do also against their owne countrymen, and often tymes haue so done, both in Ingland & other wher, when they haue bin offended or vwhen seditious heades haue offred themselues to leade them to like tumults, so that of this they say litle argument can be made.

The like in effect they do answeare, to the examples before alleged of the Grecian Philosophers and orators, that were so earnest against strangers. And first to Aristotle, they say, that in his politiques he never handled exprefly this our question, and consequently weyghed not the reasons on both sides, and so left it neither decided, nor impugned, and he that vvas master to Alexander, that had so many forraine countreyes vnder him, could not wel condemne the same

The an-
swere to
objection
against
forrayne
gouernement

Answer
to the
Grecian
Philoso-
phers and
orators.

Tame: and as for Demosthenes no manuaile
 though he were so earnest against king Philip
 of Macedonia his entry vpon the citties of
 Greece, both for that he was wel feede on the
 one side, by the king of Asia (as al authors do
 affirme) to the end he shoulde set Athens and
 other Grecian citties against king Phillip, as
 also for that his owne common wealth of
 Athens vvas gouerned by populet gouernment
 wherin himselfe held stil the greatest svvaye
 by force of his tonge with the people, and if
 any king or Monarch of what nation soever,
 shoulde haue come to commaund ouer them,
 (as Phillipps sonne king Alexander the great
 did soone after) Demosthenes shoulde haue
 had lesse authority, as he had, for that presently
 he was banished, and so continued all the tyme
 that Alexander lived. But if vve do consider
 how this state of the Athenians passed after-
 ward vnder the great monarchy of Alexander
 and other his followers, in respect that it did
 before when it liued in libertye, and vnder their
 owne gouernment only, he shal finde their state
 much more quiet, prosperous, and happie, vnder
 the commandement of a strainger, then
 vnder their owne, by whom they vvere conti-
 nually tossed and turmoyled with bralles, emu-
 lations, and seditions, and oftentimes tiran-
 nized, by their owne people as the bluddy con-
 tentions of their Captaines Aristides, Themis-
 tocles, Alcibiades, Pericles, Nicias, and others
 do declare, and as it is euident amonge other

Demosthenes.

The trou-
blesome
state of
the Grecian
citties.

Art. 1.2.
polis. c. 1.
22.

thinges by their wicked law of Ostracism
 which vvas to banish for ten yeares , vwho-
 soeuer were eminent or of more vvisdome,
 vwealth , valour , lerning or authority among
 them then the rest , albeit he had committed
 no crime or fault at al . And finally their hauing
 of thirtie most horrible and bloody tyrants at
 one time in their citye of Athens , in steede of
 one gouernour , dothe evidently declare the
 same (saye these men) and do make manifest
 how vaine and foolish an imagination it was ;
 that vexed them how to auoyd the gouernment
 of straingers , seeing that no strainge gouernour
 in the vworld , vwould euer haue vyled them as
 they vsed themselues , or so afflict them , as
 they afflicted themselues .

Aanswer
 to the q-
 uestiō our
 of Deu-
 tronomie

To the obiection out of Deutronomy vwhether
 God appoynted the Iewes to chuse a king only
 of their owne nation , these men do answeare
 that this was at that tyme , when no nation be-
 Deut. 15. sides the Iewes had true religion amonoge them ;
 which pointe of religion , the Ciuilian hath
 wel declared before , in his last discourse , to be
 the cheifest and highest thing that is to be res-
 pected , in the admission of any magestrate , for
 that it concerneth the true and highest ende of
 a common vwealth , and of al humane society ,
 and for that the Gentiles had not this orna-
 ment of true religion , but were al destitute ge-
 nerally therof , the Iewes were forbidden not
 only to choose a king of the Gentiles , vwhich
 might peruest and corrupt them , but also to
 compa-

companie conuerse or eate and drinke vwith them, and this vvas then : but yet aftervvard vwhen Christ himselfe came into the vworld, and opened his church both to Iew and gentile, he tooke away this restraynte, so as now al Christian nations, are alike, for so much as apperteyneth vnto gouernment. And cōsequently to a good and wise Christian man, void of passion and fonde affection , it little importeth (as often before hath bin said) of vvhac country, nation , or linage his gouernour be , so he gouerne wel, and haue the partes before required of pietie, religion, iustice, manhoode , and other the like requisite to his dignitie degree and charge , by which partes and vertues only, his subiects are to receaue benefits , and not by his country, generation, linage or kynred, and this is so much as I haue to say at this tyme about this affaire.

OF CERTAYNE OTHER SECONDARY AND COLLATERAL LINES AND how extreme doubt-ful all these pretences be, and which of al these pretendors are most like to preuaile in the end, & to get the crowne of Ingland.

After the lawyer had ended his discourse, about forrainc gouernment, he seemed to

be somewhat wearied, and said he vwould passe no further in this affaire, for that he had nothing els to saye but only to note vnto them that besides these principal titlers, of the ffe houses mentioned, of Scotland, Suffolke, Clarence, Britanie and Portugal, their were other secondary houses and lines also issued out of the houses of Lancaster and Yorke, as also of Gloucester Buckingam, and some other, as may appeare by the genealogies set downe before in the 2. and 3. chaptres, of which lines (sayd he) their may be perhaps consideration had also by the common wealth wher tyme shal come of choise or admission, the matter standing so as the Ciuilian hath largely declared & shewed before, which is, that vpon such iust occasions, as these are, the common vwealth may consult what is best to be done, for her good and preseruation, in admittinge this or that pretender, seing that this is the end why al gouernment was ordeyned, to benefite the publique.

And for so muche as their is such variety of persons pretendēts, or that may pretend, in the ffe houses alredy named, as before hath byn declared, (which persons at least do make some dozen more or lesse) and that besides these, their want not others also of secondary houses, as is euident as vwell by the former discourse, as also by the arbor that of these matters is to be seen, the Lawyer turned to affirme againe, that the euent must needes be exceedinge doubtful, who shall

Secondary
Lines.

I shall in the ende preuaile, for that besides the multitude before named of pretenders, he auouched very seriously, that after al this his speech, he could not vwell resolute with him selfe, vwhich of al these titles in true right of <sup>Ambition
guite of
prenailin-</sup> succession, was the best, and much lesse, which ge. of the tytlers vvas likest to preuaile, and this I presume the lawyer told them of himselfe, for that he did easely foresee and imagine, that after al these arguments, on euery side alleged, he shold be requested by the company (as vcheer-
mently he vvas) to put downe his opinion what he thought and iudged of al the whole matter hitherto discussed, and of euery mans pretence in particular.

Which in no case he could be brought to do for a longe tyme, but refused the same vtterly and craued pardon, and yeilded many reasons why it was not cōuenient, & might be odious. But al would not serue to acquiet the compa-
nye, which with all earnest importunitie vrged hym to satisfie their request, & so vpon large, and earnest intreaty, he vvas content in the ende to yeeld to this only, that he would lay together by way of discourse, the probabilities of euery side, and lastly set downe in two or three propositions, or rather conjectures, his priuate ghesse vwhich of them in his judgment vwas likest to preuaile.

First then he began to say, that the probali-
ties of prenailing or not prenailing of euery one of these pretendors in the next succession, <sup>Two
groundes
of proba-
bilitie of
speeding,</sup>

of the crowne of Ingland these pretendors, maye be considered and measured either in respect of the partie of religion , that vvas like in Ingland to fauour him, and his pretence, or els in respect of his owne particuler familie, frends, and allies , both at home and abroad. And for that the partie of religion is like to weigh most , and to beare the greatest swaye, and most potent suffrage and voice , in this action, and that with reason , according to that the Ciuilian hath proued at large in the last of his discourses : therefore shal I also (quoth the lawyer) first of al treat of this pointe of religion in this my last speeche.

Three re-
ligions in
Ingland.

It is wel knowne (said he) that in the realme of Ingland at this day , there are three different and opposite bodies of religion , that are of most bulk , and that do carry most sway , and power , which three bodies, are knowne commonly in Ingland by the names of Protestants, Puritanes, and Papistes , though the later tvvo, do not acknowledgde these names , and for the same cause would not I vse them neither , if it vvere not only for cleernes and breuities sake, for that as often I haue protested , my meaning is not to give offence to any side or partye.

These three bodies then (quoth he) do comprehend in effect al the force of Ingland , and do make so general a division and separation, through-out the whole lande , in the hartes & myndes of their frends, fauourers,& followers, as if I be not deceaued, no one thing is lyke so much

much to be respected, in each pretender, for his aduancement or depression , as his religion or inclination therin, by them that must assist him at that daye, and are of different religions them-selues. And more I am of opinion (sayd he) that albeit in other changes heeretofore in Ingland, as in the entrance of king Edward and Queene Mary, and of this Queenes Maestie that now is , diuers men of different religions , did for other respects , concur and ioyne together for these Princes aduancements , (notwithstanding that afterwards many of them repented the same) which is to be seene, in that for king Edward al the realme without exception did concurr , and for Queene Mary , it is knowne, that diuers protestants did by name , & among other points it is also knowne that Sir Nicholas Throgmorton a seruent protestant in those dayes , being of king Edwards priuy chamber, dyd not only, aduite her of the sycknes and decay of king Edward from day to day , but also was the first that sent an expresse messenger to aduise her of her brothers death, and vwhat the two dukes of Northumberland and Suffolke, did contrive against her , and that with such celeritye, that king Edward dying but on thursday night, the tenth of Iuli the Lady Mary was most certainly aduised therof, by saterday morning next, and that very early , in kenninghal castle of Noifolke , 80 miles of , and diuers other protestants did assist her also , in that her entrey, as in like manner al those of the Roman

The grea-
te impor-
tance of
religion
in this
actions.

religion, without exception, did assist her maiestie that now reigneth, after the disease of the said Queene Mary and this vvas then.

The next
change
like to be
difficult
& vvhyl.

But now am I of opinion, that matters vvil fal out farr otherwise, at the next change, and this partly peraduenture, for that the titles of succession in the pretenders, are not so cleare, but rather much more doubtful now, then they were then, and partly (or rather principally) for that men in tyme are come to be of more resolution and determination in matters of religion, and by contention and pursuing one the other, are become more opposite and enemyses, and more desirous of reuenge, and further also then this, those that be of milder conditiō, and haue not these passions in them, yet by reason and experiance they do see the great absurdity and inconuenience that ensueth, by that a man of one religion, shoulde giue ayde to the aduancement of a Prince, of a contrary religion, to that which himselfe doth esteeme and hould for only truth, which in him that so doth, cannot be denied; but that it is a pointe of little zeale at the least, if not eōtempt of God & of religion, or of playne atheisme, as others vvil call it. And moreouer, I remember that the Cvilian before in the ende of his speech, inueighed also much against this point, and shewed that besides lack of conscience and religion, it was in like manner agaynst al humane wisdome & pollicy, to fauor a pretender of a different religion from him self, and this for diuers reasons,

reasons,, that he layed downe, which reasons I confesse preuayled much with me , and I do allow greatly of that his opinion and assertion, which auerted that the first respect of al others ought to be God and religion in this great af- fayre, of making a kinge or Queene , and that vwithout thys, no title vwhatsoever ought to preuaile or be admitted, by christian men , and that the cytties of France , at this day do not amisse but iustly and religiousely (so long as they are of that religion that they are) to stand agaynst the king of Nauarra, (though other- wise by dissent they do confesse his title to be cleare and euident) for that he is of contrary re- ligion to them.

Wherfore seing that the very same case is like or rather certayne to ensue one day in In- gland, and that it is most probable , that each partie of the realme wil stand most vpon this pointe , that is to saye vpon the defence and aduancement of their religion , and of such a king , as s halbe knowne to fauour the same that themselues be of , let vs examine a little if you please quothe he , what force and abili- tie each of these three bodies , of religion now mentioned , is like to be of , at that day in In- gland , for effectuating or promoting this pur- pose of a new king .

And first to beginn with the protestant , as with him that hath the sway of authority and present power of the state in his fauour , no doubt but that his force wilbe also great , at <sup>The con- sideration
of the
protestant
partie.</sup>

H h s that

that day (sayd he) and especially if he can conceale for a tyme, the disceasle of her Maiestie, vntil he may be able to put his affaires in order, but this is holden to be either impossible or very hard, for the different iudgments and affections which are not thoughte to be wanting in the court councel, and Princes chamber it selfe, wherof we saw the effect, (as before I tould you) at the death of king Edward, which was as much indeuoured to be kept secret, as euer any was, and as much it importeth the concealers, and yet within not many houres after, had the Lady Mary, most certayne no[n]c[e]e therof, by those that were opposite to her in religion, as I haue shewed before, so ardent are mens myndes in such occasions, & so capable of new impressiōs desig[n]emēts & desires, are al kinde of subiects vpon such great changes.

The Cle-
argie. A chiefe member of the protestant body (as you know) for wealth and force, is the cleargie of Ingland, especially the bishops and other men in Ecclesiastical dignity, which are like to be a great backe to this partie, at that day, though some men thinke that it be not very certayne, which part of the nobilitie and councell will stick vnto them, for that many in

The Cou-
cell and
nobilitie. And for the priuy coucell in particular, though during the Princes life, their authority be supreme, yet is it not so afterward, nor haue they any publique authoritie at al, the Prince having once expired, but only as noblemen or gentlemen

gentlemen according to each mans state and calling in several, and for the next successor, seing none is knowne nor sworne in the life of this Prince, (nor were it her safetie that any should be) cleere it is, that after her Maiesties disease, euery man is free vntil a new be establisched, by the common wealth, which establishmet doth not depēd vpon the appoyntment or wil of any few, or vpon any mans proclayming of himselfe, (for diuers are like to proclayme themselues) but vpon a general cōsent of the whole body of the realme, which how it vvill be brought to passe, God only knoweth, & to him we must commende it.

I do no know, quothe he, of any certaine person pretendent, to whom this protestant partye is particularly devoted, at this day, more then to the rest, though the house of Hartford was wont to be much fauoured by them, but of latter yeares little spech hath bin therof, but rather of Arbella, whom the Lord Treasureris sayd especially to fauour at this present, though for himselfe it be held somvwhat doubtful whether he be more fast to the protestant, or to the puritan, but if the protestant partye, shoule be deuided, then their forces wilbe the lesse. The authority of her maiestie is that which at this present ouer beareth al, whē that shal sayle, no man knoweth what the euent vvilbe, for that now mens hartes are hardly discerned.

There forrayne frens and allies, are of good number,

Forsayne
friends of
the pro-
testants.

number, especially if the king of France proceed well in his affayres, and do not in dede change his religion as he pretendeth that he wil, but yet if the puritan do stande against them, he is like to pull much from them, both in France and Holland, and as for Scotland, it must needes be agaynst them both, and this in respect of his owne pretence, except the same be fauoured by them, I meane by these two factions in Ingland which is hardly thought that any of them both wil do, for the reasons before alledged, though some more hope may be that way, of the puritan, then of the protestant, by reason of the said kings neernes to them in religion.

of the
party Pa-
ritan.

The puritan is more generally fauoured through-out the realme with al those vvhich are not of the Roman religion, then is the protestant, vpon a certayne general perswasion, that his profession is the more perfect, especially in great townes where preachers haue made more impression in the artificers, and burgesses, then in the country people. And among the protestants, themselues, al those that are lesse interessed in Ecclesiastical livings or other preferments, depending of the state, are more affected commonly to the puritans, or easily are to be induced to passe that way for the same reason. The person most fauoured by the puritans hitherto in common voice and opinion of men, hath bin the earle of Hunting-ton, some speech of late of some diminution therin,

therin, and that the Lord Beacham since his marriage, hath entred more in affection with them. The king of Scotts (no doubt) if he were not a strainger , and had not the difficulties before mentioned , were for his religion also very plausible. I do not heare that the earle of Darby or his mother , is much forward with these or with the protestant , though of the later sort , some are supposed to vvish them wwell.

The frendes & allies of the puritan abroade, ^{Externall} are the same , that are of the Protestant , to wit , those of Holland and Zealand , and such townes of France as follow the new king , and soyntly haue chainged their religion , which are not many , for that his greatest forces are yet those of the Roman Religion , but yet if the sayd king preuaile and perseuer in his religion (which of late as I haue sayde is called in doubt by his often protestations to the contrary and open going to masse) then wil he be able to giue good assistance , though both these countryes (I meane both Holland and France) are liker in some mens opinions , to assist the puritan then the protestant , if the matter come in difference betweene them , for that in truth they are more conforme to the puritan religion. And as for the German citties, that kepe yet and follow the particuler forme of Luther ^{Lutheran} in religion , they are like to do little for either partye , both for their difference from both partyes in religion , and for that they are poore , ^{for}

for the most part, and not active nor prouided
to give succur abroad, except they be drawne
therunto by force of money.

The Puritan
parte at home.

The Puritan parte at home in Ingland, is
thought to be most vigorous of any other,
that is to say, most ardent, quick, bold resolute,
and to haue a great part of the best Captaunes
and souldiers on their side, which is a pointe of
no smal moment. Greatly wil import among
other poyntes which waye inclineth the citoye
of London, with the tower, wheroft the puritan
(as is sayde) wanteth not his probability, as
neither doth he of some good part (if not more)
of the nauy, to be at his deuotion, which point
perhaps at that day, vvilbe of as greate conse-
quence as any thing els, & so much of him.

Those of the Roma Religion. The third body of religion, which are those
of the Roman Religion. is the least in shew, at this present, by reason of
the lawes and tydes of the tyme, that runne
agaynst them, but yet are they of no smal con-
sideration in this affaire, to him that weigheth
thinges indifferently, and this in respect as wel
of their partye at home, as of their frends a-
broade, for at home, they being of two sortes as
the vworld knoweth, the one more open that
discouer themselues, which are the recusants,
and the other more close and priuy, that ac-
commodate themselues to al external procee-
dings of the tyme, and state, so as they cannot
be knowne, or at least wise not much touched:
we may imagine, that their nûber is not smal,
through

throughout the realme, and this partly for the reason I mentioned before, in that the most part of the country people, that liue out of cit-
ties, and great townes (in which the greatest part of English forces are wont to consist) are much affected ordinarily to their religion, by reason that preachers of the contrarie religion are not so frequent with them, as in townes, ^{The Re-} and partly also for that with these kinde of ^{man par-}
^{tye gret} men, as with them that are most afflicted and ^{& why.} held downe, at this tyme, by the present state, many other do ioyne (as the manner is) & omnes ^{1. Reg. 22;}
qui amaro animo sunt, cum illis se coniungunt, as the scripture sayd of those, that followed Dauids retinew, pursued by Saul and his forces, which is to say, that al that be offended greued, or any way discontented with the present tyme, be they of what religion soever, do easely ioyne with these men, according to the old saying *Solatium est miseris socios habere misericordiam*, besides that, their is euer lightly a certaine natural compassion, that followeth in men, towards those that are thought to suffer, or be pursued, and this oftentimes in the very enimye himselfe, and then of compassion springeth as you know affection, and of affection, desire to helpe, as contrarywise, do rise commonly the contrary effects, to vitt, emulation, envy and indignation, against the prosperity of him, that pursueth, and is in prosperitie.

And for that in so great and populous a
realme and large a gouernment, as this of her
maiestie

maiestie hath byn, there cannot want to be
many of these kinde of discontented me, as also
for that naturally many are desirous of chan-
ges, it cannot be supposed, but that the number
of this sorte is great, which maketh this party,
far the bigger.

Effects of
pressing
In religio.
Moreouer it is noted, that the much dealing
with these men, or rather against them, & this
especially in matters of their religion, for these
later yeares past, hath much stirred them vp,
(as also the like is to be noted in the puritan)
and made them far more egar in defence of
their cause, according to the saying, *nitimur in
vetitum semper*, and as a little brook or ryuer
though it be but shalow and runne never so
quiet of it selfe, yet if many barres and stoppes
be made therin, it swelleth and riseth to a
greater force, euен so it seemeth that it hath
happened heere, wher also the sight & remem-
brance of so many of their Seminary preistes, put
to death for their religion (as they accompt it)
hath wrought great impression in their hartes,
as also the notice they haue receaved, of so
many colleges and Inglis h Seminaries remay-
ning yet, and set vp of new, both in Flanders,
France, Italie and Spayne, for making of other
preistes in place of the executed, doth greatly
animate them & holdeth them in hope of con-
tinuing still their cause, and this at home.

Frends &
allies
abroade,
As for abroade, it is easie to consider what
their party and confidence is, or may be, not
only by the Inglis h that liue in exile, and haue
their

their frends and kynred at home, but also principally by the affection of forrayne Princes & states, to fauour their religion, whose portes, townes, and prouinces lye neare vpon Ingland rounde about, & for such a tyme and purpose, could not want commoditie to giue succor, vvhich being vveighed together vwith the knowne inclination, that way, of Ireland, and the late declaration made by so many of the Scottish nobility and gentlemen also, to fauour that cause, all these poyntes I saye put together, must needes persuade vs, that this body is also great, and stronge, and like to beare no smale sway in the decyding of this controuersie for the crowne, when tyme shal offer it selfe for the same. And so much the more, for that it is not yet knowne, that these are determined vpon any one person whom they vwill follow, in that action, nor as it semeth are they much inclined to any one of the pretenders in particular (wherin it is thought that the other two partyes either are, or may be deuided among themselues, and each parte also within it selfe, for that so different persons of those religions do stand for it) but rather it is thought, that these other of the Roman religion do remayne very indifferent, to follow any one that shalbe set vp for their religion, and is lykest to restore and mayntayne the same, be he strainger or domestical, which determination and vnion in general among themselues, if they hold it still

and perseuer therin , must needes be a great strengthe vnto their cause , & giue them great swvay vwhersoever they shal bend at that daye, as by reason is euident , and so much of this matter.

Conside-
rations of
each pre-
tender in
particular It remayneth then that after these considerations of the three bodyes in general , vve passe to the veiw of each familie house and person pretendent in particuler, and therin to contemplate vwhat may be for him , and vwhat agaynst him, in this pretence and pursute of the crowne.

The King
of Scot-
land

And to begynne first of al vwith the king of Scotland, as vwith him, vwho in vulgar opinion of many men, is thought to be first & formost in this action by waye of succession (albeit others do denye the same, and do make it very dowlful as before hath bin declared) yet if we do consyder not his title (for of that vve haue spoken sufficently before in the 5. chapter) but other circumstances only of his person, state, condition and the lyke, (of which poyntes only we are to treat in this place) then must we confesse that as on the one side their are diuers poyntes that maye furder him and inuite men to fauour his cause , so want their not other to hynder the same. The poyntes that maye inuite , are his youth , his beinge a kynge , his moderate nature in that he hath shed little blood hereto , his affection in religion to such as like therof , and the like , but on the

on the other side , the reasons of state before laid against him , do seeme to be of very great force , and to weigh much with Inglyshmen , especially those of his alliance with the Danes , and dependance of the Scottish nation . And as for his religion , it must needes displease two parties of the three before mentioned , and his manner of gouernment therin perhapps al three.

As for Arbella , in that she is a yong Lady , Arbella.
 She is therby fit(as you know) to procure good vvills & affections , and in that she is vnmarried she may perhapps by her mariage , ioyne some other title with her owne , and therby also frends . But of her selfe , she is nothing at al allyed with the nobility of Ingland , and except it be the earle of Shrewsbury , in respect of Frendship to his old mother in Law , that is grand mother to the Lady , I see not vwhat noble man in Ingland hath any bande of kynred , or alliance to follow her . And as for her title , it seemeth as doubtful as the rest , if not more , as by that which hath bin said before , hath appeared . And for her religion , I know it not , but probably it can be no great motiue , either against her or for her , for that by al likely hoode it may be supposed to be as ieder grene and flexible yet , as is her age and sex , and to be wrought heerafter and settled according to future euents and tymes .

In the house of Suffolke , the Lord Beacham
 II 2 and

The Lordes Beaucham &
the earle
of Darby.

and the earle of Darby haue the difference of titles that before hath bin seene , and each one his particular reasons why he ought to be preferred before the other , and for their other abilities and possibilities, they are also different, but yet in one thing both Lords seeme to be like, that being both of the blood royal , they are thought to haue abased themselues much by their marriages with the two knightes daughters S.Richard Rogers, and S.Iohn Spenser, though otherwise both of them very vvorship ful , but not their matches in respect of their kinred with the crowne, yet doth the alliance of S. Iohn Spenser seeme to bringe many more frends with it, then that of S. Richard Rogers, by reason of the other daughters of S. Iohn, vvel married also , to persons of importance, as namely the one to S. Georg Carey gouernour of the Ile of Wight, vwho bringeth in also the Lord Hunsdon his father Captaigne of Barwick, tvvo of the most important peeces that Ingland hath.

Alliance
of the
earle of
Darby.

And for that the said Lord Hunsdon , and the Lady knowles disceased, were brother and sister , and both of them children to the Lady Mary Bullen, elder sister to Queene Anne, here of it cometh , that this alliance with S. George Carey , may draw after it also the said house of knowles , who are many and of much importance , as also it may do the husbandes of the other daughters of S. Iohn Spencer, with their adhe-

adherents and followers, which are neither few nor feeble, al which wanteth in the marriage of the Lord Beacham.

An other difference also in the ability of these two Lords is, that the house of Seymers in state and title of nobility, is much yonger then the house of Stanleys, for that Edward Seymer late earle of Hartford, and after duke of Somerset, was the first beginnet therof, who being cut of together with his brother the Admiral, so soone as they were, could not so settle the saide house, especially in the alliance with the residue of the nobilitie, as otherwise they would and might haue done. But now as it remayneth, I do not remember any alliance of that house, of any great moment, except it be the childe of S. Héry Seimer of Hamshire, and of S. Edward Seymer of Bery Pomery in Deuonshire, if he haue any, and of S. John Smith of Essex, whose mother vvas sister to the late duke of Somerset, or finally the alliance that the late marriage of the earle of Hartford, with the Lady Francis Haward, may bring with it, which cannot be much, for so great a purpose as we talke of.

But the earle of Darby on the other side, is very strôgly & honorably allied, both by father of the and mother, for by his father not to speake of the Stanleys, (which are many and of good power, and one of them matched in the house of Northumberland) his said father the old

Alliance
of the
Seymers.

earle had three sisters , al wel married , and al haue left children , and heyres of the houses wherin they were married , for the elder vvas married first to the Lord Sturton , and after to S. John Arundel , and of both houses hath left heyres male. The seconde sister vvas married to the Lord Morley , by whom she hath left the Lord that now is , vwho in lyke manner hath mached vwith the heyre of the Lord Montegle vwho is likevwise a Stanley. And finally the third sister vvas married to S. Nicholas Poynes of Gloucestershire , and by him had a sonne and heyre that yet liueth. And this by his fathers side, but no leſſe alliance hath this earle also by the side of his mother , vwho being daughter of George Cliford earle of Cumberland, by Lady Eleanor neece of king Henry the seventh, the said Lord George , had afterward by a ſecond wife, that was daughter of the Lord Dacres of the North , both the earle of Cumbeiland that now is , and the Lady wharton , who hereby are brother and ſister of the halfe blood, to the ſaid Countesse of Daiby , and the Dacres are their Uncles.

Alliance of
the old
countesse
of Daiby.

The ſt.

Besides al this, the ſtates and poſſeſſions of the two forfaide Lordes , are far diſſerent , for the purpoſe pietended, for that the ſtate of the earle of Hartford is far inferior , both for greatness, ſituation, wealth multitude of ſubiects , & the like: for of that of the Stanleys , doth depend the moſt part of the ſhires of Lancaster and

and Chester , and a good parte of the North of Wales, (at least wise by way of obseruance and affection) as also the Ile of man , is their owne , and Ireland and Scotland is not far of, vwhere frenship perhapps in such a case might be of-fred, and finally in this poynte of abillity great oddes is their seene betweene these Lordes.

As for their religion , I cannot determyne Religion what difference their is , or may be betweene ^{of these} Lords. them. The Lord Beacham by education is presumed to be a protestant, albeit some hold that his father , and father in law be more inclined towards the Puritans. The earle of Darbyes religion, is held to be more doubtful, so as some do thinke him to be of at three religions , and others of none, and these agayne are deuided in judgments , about the euent heerof, for that some do imagin that this opinion of him, may do him goode , for that al sides heerby may (perhapps) conceaue hope of him , but othets do persuade themselues that it vvil do him hurt, for that no side in deede will esteeme or trust him , so as al these matters with their euent , and consequences do remayne vncertaine.

But now will I passe to speake of the house of Clarence, the cheefe persons , wherof , and most emynent at this day, are the earle of Huntington , and his bretheren the Hastings , for that the Poole and Barringtons are of far meanner condition and authoritie , albeit the

other also, I meane the house of Hastings , doth not seeme to be of any great alliance , for that albeit the old earle of Huntington , this earles father , had two brethren , the one S. Thomas Hastings , that married one of the Lord Henry Pooles daughters named Lord montague , that was put to death , which daughter was sister to this earles mother , and the other named S. Edward Hastings vvas made Lord of Lowghborow , by Queene Mary , to whom he was first master of the horse , and afterward Lord Chamberland , neither of them hauing left issue : and this is al I remember by his fathers side , except it be his owne brethren as hath bin said of which S. George Hastings is the cheefest .

Alliaice
of
the earle
of Hun-
tington.

By his mothers side , he hath only the Pooles , whose power as it is not great , so what it is , is rather lyke to be agaynst him then with him , partly for their difference from him in religion , and partly for preferment of their owne title , vpon the reasons before allegaged .

By his owne marriage with the daughter of the late duke of Northumberland , and sister to the late earles of Leicester and Warwicke , he was lyke to haue drawne a very great & strong alliance if the said two earles had liued , and especially , S. Phillip Sidney , who was borne of the other sister of the present Countesse of Huntington , and his owne sister was married to the earle of Penbroke that [now is , & himselfe to the daughter of S. Francis Walsingham cheefe

cheefe secretary of the state , by al which meanes and by al the affection and power of the party puritan, and much of the protestant , this earle was thought to be in very great forwardnes. But now these great pillers being fayled, and no issue yet remayning by the said Countesse, his wife, no man can assure himselfe what the successe wil be, especially seing that of the three bodyes of diffrent religions , before deſcribed, it is thought that this earle hath incurred deeply the hatred of the one , and perhappſ some ielously and suspition of the other, but yet others do say (and no doubt but that it is a matter of singular importance if it be ſo) that he is lyke to haue the whole power of London for him , which citty did preuaile ſo much in aduancing the title of Yorke , in king Edward the fourth his tyme, as it made him king twife, to wit once at the beginning, when he first apprehended and put downe king Henry the ſixt , and the ſecond tyme , vwhen he being driuen out of the kingdome by his brother the duke of Clarence , and Richard earle of Warwicke , he returned from Flanders vpon hope of the fauour of the Londoners , and was in ^{6.} deede receaued , fauoured and ſet vp agayne by them eſpecially, and by the helps of kent and other places adioyning and depending of London, and ſo it may be that the fauourers of this earle do hope the like ſuccesse to him in tyme by this potent cittie.

The po-
wer of
London

Polydor.
24. Hol-
lingshed
in vita
Hemita.

The houses of Britaine and Portugal.

For the houses of Britanny and Portugal, I shal ioyne them both together, for that they are straingers, and the persons therof so nigh linked in kyngred affinitie & frendship, as both their tittles forces and fauours, may easely be ioyned together, and imparted the one with the other, as to themselues shal best appeare conuenient.

Infanta of Spayne The lady Infanta of Spayne pretendent of the house of Britanie, is eldest daughter of king Phillip as al the world knoweth, and dearly beloued of him, and that worthely as al men report, that come from thence, for that she is a princesse of rare partes both for bewty, wisdome and pietie. The two yong Princes of Parma I meane both the duke and his brother the Cardinal, are ympes in like manner of great expectation, and diuers wayes neere of kynn to the said king, for that by their fathers side they are his nephewes that is the childeeren of his sister, and by their mothers side almoost as neere, for that they are the nephewes of his vncle Prince Edward Infant of Portugal.

The duke of Bragansa.

In lyke neernes of blood are the Duchesse of Bragansa and her children, vnto the said king, which children are many as hath bin shewed, and al of that rare vertue and valor and of that singuler affection vnto the English nation, as it is wonderful to heare what men write from those partes, and what others do reporte that haue travayled Portugal and scene those Princes

Princes and tasted of their magnifice[n]te liberality , so as I haue hard diuers reioyse that are affected that way , to vnderstand that their do remayne such noble offsp[ri]ng yet in forrayne countrys of the true and ancient blood royal of Ingland.

What the powers and possibilities of al these Princes of the house of Portugal be, or may be heerafter for pursuyng their right, shal not neede to be declared in this place , for that al the world doth know and see the same , yet al seemeth to depend of the heade & roote which is the king of Spayne himselfe , and the yonge Prince his sonne , whose states and forces how and where they lye , what alliance , frendes , subiects or followers they haue or may haue , it is easy to consider , but what part or affection of men they haue or may haue heerafter in Ingland it selfe , whentyme shal come , for the determyning of this matter , no man can tell at this present , and what plotts agreements , comp[ar]titions , or other conclusions may be made at that day , tyme only must teach vs , so as now I know not well what to say further in this af- faire , but only commend it to Gods highe prouidence , and there fore I pray you (quoth the Lawyer) let me ende with this only that al- ready I haue saide , and pardon me of my former promise to put my opinion or ghesse , about future matters , and what may be the successe of these affaires , for besides that I am , no prophet or sonne

Povver of
forrayne
pretenders.

or sonne of prophet, to know things to come, I do see that the very circumstances of coniecture (which are the only foundation of al prophesie which in this case can be made) are so many and variable; as it is hard to take hold of any of them.

Thus he said , and fayne would haue left of heere , but that the whole company opposed themselues, with great vehemencie , against it, and sayde , that he must needes performe his promisse, made at the beginning of this speech, to giue his censure & verdite in the end, what he thought would be the successe of al these matters, wherunto he answered , that seing no nay would serue , he would breifly quit himselfe by these few woordes following.

*The . . .
Cōiecture
that their
wilbe
warre
& vvhye.* First of al (said he) my opinion is , that this affayre cannot possibly be ended by any possibility moral , without some warr , at least vwise , for some tyme at the beginning, wherof my reasons be these that do ensew.

1. This matter cannot be disputed and determinyd duringe the life of the Queene, that now is , without euident danger of her person, for the reasons that al mē do know importinge suche perils as are wont to follow like cases, of declaring heyres apparent , especially her maiestie the present possessor growing now to be old & without hope of issue.

2. This declaration and determination of the heyre apparent to the crowne if it should be made

made now, would moue infinit humors, and affections within the realme, and it were to sturr coles and to cast fyerbrands ouer all the kingdome, and further perhappes also, vvhich now lye raked vp and hidden in the embers.

This determination thought he it should be made now by parliament, or authority of the present Prince, would not ende or take away the roote of the controuersie, for albeit some that should be passed ouer or put backe in their pretences, would hold their peace perhappes for the tyme present, yet afterward would they bothe speake and spurne when occasion is offred.

This declaration now if it were made, would be hurtful and dangerous for him that shoulde be declared, for on the one side, it would put the Prince regnant in great ielousie and suspition of him, and on the other side, would ioyne and arme al the other pretenders and their fauourers agaynst him, and so we reade, that of two or three only, that in al our histories are recounted to haue byn declared heyrs apparent to the crowne (they being no kinges children) none of them, euer came to reigne: as namely duke Arthur of Britany, Roger Mortimer earle of March, and Iohn de la Poole earle of Lincoln, and Henry marques of Exeter as before hath bin declared.

Sup. c. 4.

Agayne the multitude of pretenders being such as it is, & their pretentions so ambiguous, as hath

3.

4.

5.

as hath bin declared , it is to be presupposed, that none or few of them vvil presently at the beginning cast away their hope & forgoe their tittles , but wil prooue at least wise what frends will stand vnto them, and how matters are like to go fot or agaynst them, especially seing they may do it without danger , no law being against them, and their rightes and pretenses so manifest , that no man can say they do it of ambition only, or malice, treason, or conspiracy against others , and for this assaye or first attempt, armes are necessary.

6.

A considera-
tion to be
marked.

More ouer if any man in processe of tyme, would forgoe or give ouer his title (as it is to be imagined that diuers wil at length, and many must, for that one only can speed) yet to the ende he be not suddenly oppressed , or laid handes on . at the beginning by his aduersary parte, or made away as in such cases is wont to succeede , it is very likely that each pretender for his owne safety and defence, wil arme himselfe and his frendes at the beginning , for that better conditions wilbe made with armor in handes , then when a man is naked or in the power of his aduersary, and no doubt , but the more pretenders shal stand together armed, at the beginning the easyer and the surer peace wilbe made with him that shall preuaile , for that they being many with whom he hath to compounde, he will respect them the more, & yeald to more reasonable and honorable conditions,

ditions, then if their were but one, & he weake that shoulde resist, for that a fault or displeasure is more easily pardoned to a multitude, & to a potent aduersary, then to one or two alone that are of lesse accompt. And on the other side, the perill of these other pretenders, that shoulde not preuaile, being common to them al, would knyt them better together for their owne defence, in liuing vnder the person that shoulde preuaile and reigne, and he would beare more regard vnto them as hath bin said: and this both for that they shoulde be stronger by this vniōn to defend themselues, and he that reigneth shoulde haue lesse cause to suspect & feare them, to worke treason agaynst him, for that they are many, and consequently not so easy to agree betweene theselues, who shoulde be preferred, if the other were pulled downe, which to the person regnant, would be also a ground of much securitye.

These are my reasons and coniectures why it is like that armes wilbe taken at the beginning in Ingland, before this controuersie can be decided.

My second proposition and coniecture is, The secōd
coniecture
no mayne
battayle
probable. that this matter is not like to come easely to any great or mayne battel, but rather to be ended at length, by some composition, and general agreement, & my reasons for this be these.

First, for that the pretenders be many, and their powers and frends lying in diuers and different

different partes of the realme, and if their were but two, then were it more probable, that they would soone come to a battel, but being many each one vvil feare the other , and seke to fortifie himselfe where his owne strength lyeth and especially towardes the portes and sea side, for receauing of succours, as easely may be done, by reason of the multitude of competitors as hath bin said , which vvil cause that at home the one will not much vrge or presse the other, at the beginning , but euery part attend rather to strengthen it selfe for the tyme.

2.

A second reason of this is , for that the forrayne Princes and states rounde about vs , are like to be much deuided in this matter , some as pretendentis for themselues or their kynred & frends, and others as fauourers of this or that party, for religion , so as their will not vwant presently offers of helpes and succours from abroade, which succours albeit they shoulde be but meane or smalle at the beginning, yet vwill they be of much importance, vwhen the forces at home be deuided , and vwhen their shalbe different portes harbors , and holdes , ready within the lande, to receaue and harbour them, so as I take it to be most likely, that this assayre vvil grow some vwhat longe and so be ended at lenght by some composition only , and that either by parliament and general consent of al partes pretendentes , and of al three bodyes of religion meeting together by their deputies and

and treat and conclude some forme of agreement as vve see it practised now in France , or els by some other meanes of committaries , commissioners . legates , deputies , or the like , to to make the conclusion vwith every partie a sunder.

My third & last conjecture is (& for a meere <sup>The third
conjecture only , I vwould haue you to hold it)</sup> <sub>conie&t;
re who is
lykest to
preuaile.</sub> that seeing there be two sortes of pretenders , which stande for this preferment , the one strangers , the other Inglis h , my opinion is , that of any one forrayne Prince that pretendeth , the Infanta of Spayne is lykest to beare it away , or some other by her title , layed vpon hym by her father the kinges good will , and on the other side , of any domestical competitors , the second sonne of the earle of Hartford , or of the issue of the countesse of Darby , carrieth much shew to be preferred .

My reasons for the former part , about the <sup>For the
Infanta
of Spayne</sup> Lady Infanta , are , that she is a woman , and may easely ioynē (if her father vwill) the titles of Britany and Portugal together , she is also ynmarried , and by her marriage may make some other composition , either at home or abroade , that may facillitate the matter , she is a great Princesse and fit for some great state , and other Princes perhaps of Christendome vwould more vwillingly yeald and concurre to such a composition , of matters by this Lady , and by casting all forraine titles of Britanie and Portugal vpon her , then that the king of

Spayne shoulde pretend for himself, & there by encrease his monarchie, which other Princes his neyghbours^t, in reason of state, vwould not so well allow or beate.

In Ingland also it selfe if any partie or person be affected that way , he vwould thinke heerby to haue the more reason, and if any be against straingers , some such moderation as this would take away much of this auersion, as also of arguments agaynst it: for that heerby it semeth that no subiectō could be feared to any forrayne realme, but rather diuers vtilities to the realme of Inglāde, as these méprēde by the reasons before alleaged in the precedēt chapter.

I said also, that this Lady Infanta , or some other by her title and her fathers good vvil, was likest of all straingers to beare it away , for that if she shoulde either dye or be married in any other countrye, or otherwise to be disposed of, as her pretēce to Ingland shoulde be disinabled before this affayre came to be tried , then may her said father and she if they list, cast their fore saide interests and titles (as diuers men thinkē they would) vpon some other Prince of their owne house and blood, as for example, either vpon some of the families of Parma or Bragansa before mentioned , or of the house of Austria , seing theit wanteth not many able & vvorthy Princes of that house, for whom there vwould be the same reasons and considerations, to persuade their admission by the English, that haue bin alleaged before for the Infanta , & the same

same vtilities to the realme, and motiues to Englishmen , if such a matter shoulde come in consultation , and the same frends and forces would not want abroad to assist them.

For the second parte of my conjecture, touching the earle of Hartford's second sonne , or one of the countesse of Darbyes children, my reasons be, first for that this secōd sōne, seemeth to be cleered in our former discourse of that bastardy that most importeth , and neerest of al other lyeth vpon those children, which is for lack of due prooфе of their parēts marriage, for which defect they do stand declared for illegitimate by publique sentence of the archbishop of Canterbury , as before hath bin declared, from which sentēce this second sonne is made free, by the arguments before alleaged, and therin preferred before his elder brother.

And secondly for that this yonger sonne is vnmarried, for any thing that I do know to the contrary, which may be a pointe of no smalle moment in such an occasion, as hath bin noted diuers tymes before, for ioyning or forfeyting of tittles by mariage , and for making of compositions of peace and vniōn with the opposite parties. And finally for that this second sonne, being yonge, his religion is not yet much talked of, and consequently euery partie may haue hope to draw him to their side, especially he being also free as I haue said to follow what he shal thinke best, or most expediēt for his owne aduancement , without knott or

obligation to follow other mens affectiōns or
iudgmēts in that pointe , as he would be presu-
med to be if he were married, or much obliged
to any other familie.

*For the
children
of the
Countesse
of Darbie*

I do name also in this second pointe, the chil-
dren of the countesse of Darby first, for that in
truth the probabilities of this house be very
great, both in respect of their descent, which in
effect is holden as it were cleare from bastardy
as before hath bin shewed, and then againe for
their neernes in degree, which by the countesse
yet living is nearer to king Henry the seventh
by one degree, then any other cōpetitor what-
soeuer. Secondly I do name this countesse chil-
dren & not her selfe, for that I see most me that
fauour this house , very willing & desirous that
some of the said countesse children should ra-
ther be preferred then she herselfe, and this for
that she is a wwoman, & it seemeth to thē much
to haue three womē reigne one after the other,
as before hath bin noted, so as they would haue
her title to be cast rather vpon one of her
children , even as vpon like occasion it hath
bin shewed before , that the Spaniards caused
the Lady Berenguela neece to king Henry the
second, to resigne her title to her sonne , vwhen
she should haue succeeded by neernes of inhe-
ritance, & as a litle before that , the state of In-
gland did after king Stephen, vnto king Henry
the first his daughter Maude the Empresse, whō
they caused to passe ouer her title to her sonne
Henry the secōd, though her owne right should
haue

Garibay
L. a. s. c. 36.

Polydor
in rit
Steph.

haue gone before him by neernes of succession, as also shoulde haue done by orderly course of succession, the right of Margaret, countesse of Richmond, before her sonne king Henry the seventh, as before hath bin proued, but yet vve see that her sonne was preferred, & the like wwould these men haue to be obserued in the countesse of Darby.

Lastly I do name, the children of this countesse in general, and not the earle of Darby particularly aboue the other, though he be the eldest, for two respects, first, for that his yonger brother is vnmarried, which is a circumstance wherof diuers tymes occasion hath bin offred to speake before, and therfore I neede to ad no further therin, & secondly for that diuers men remaine not so fully satisfied & contented with the course of that Lord hitherto, and do thinke that they shoulde do much better with his brother if so be he shal be thought more fit, yet are these things vncertaine, as we see, but notwithstanding such is the nature and fashon of man, to hope ever great matters of youthes, especially Princes, God send al iust desires to take place, and with this I wil ende, and passe,
 no further, hoping that I haue performed
 the effect of my promisse made
 vnto you at the be-
 ginninge.

05/01/1614R

